

XXX-XX-XXXX—Nine Digits Away from a DREAM
Analyzing Institutional Responses to Increased Awareness and Policy Changes Regarding
Undocumented Students in Higher Education

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Senior Comprehensive Thesis

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April 2009

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EXECUTIVE SUMMARY

“The talk with her counselor gave Grace hope. Dreams that had faded because she lacked a nine-digit number were reawakened.”¹

“Illegal alien,” “unauthorized immigrant,” “illegal immigrant”: these are all popular terms used interchangeably in vernacular to describe a large population of people residing in the United States without proper documentation of citizenship and many times without means to apply for naturalization. For this reason I choose to use a more neutral term to dialogue about this population and to contribute to moving away from other charged terms: undocumented immigrant.

Who is the undocumented immigrant?

Historically the U.S. has experienced a steady influx of immigrants seeking to permanently reside here, and it has ultimately become an integral factor in our growth as a nation to become where we are today: a global super power. Our country is based and founded on immigrants. “Old” immigration, as it is often referred to, describes the first waves of immigration from Northern and Western Europe. “New” immigration is where we are now, with most immigration coming from Latin America and Asia. This is the face of America today when we think about immigrants. The U.S. has historically implemented policies that restrict and temporarily allow persons to enter this country by quota based on national origin ultimately intertwining the fate of the U.S. with immigrant populations; they are the backbone of the nation and have long lived in the shadow of the government.

Today, roughly 11.6 million undocumented immigrants reside in the United States.² This population has encountered many obstacles with legislation proposing to deny all immigrants government benefits and with recent flares of anti-immigrant sentiment immediately following the terrorist attacks on 9/11. However, when it comes to undocumented children, most of whom mainly identify with American culture and society as their home, denying benefits such as education has brought to the table strong opposition and a fight for the basic human rights. This brings to light a new generation, the undocumented student who through association of identification with place, primarily identifies as American. Being raised in the American

¹ Baker, Bryan C, Michael Hoefler and Nancy Rytina. 2009. Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2008. Department of Homeland Security Office of Immigration Statistics.

² Immigration Policy Center. 2007. “Dreams Deferred: the Costs of Ignoring Undocumented Students”. 18 October.

educational system enhances that identification but unfortunately does not afford them the same opportunities as their documented peers.

Who is the undocumented student?

Many undocumented students attend school without a conscious consideration of their status. While they are able to obtain free K-12 education, for some, their educational aspirations may end there. Coupled with the fact that many schools are increasingly over crowded, the amount of funds that go towards education diminishes every year and in light of this crisis, there are populations that are continually underserved in this educational system, what is less seen are those that get shuffled through in a don't ask, don't tell fashion. Approximately 65,000 undocumented youth graduate from high school every year and the few of this already small population make up less than 2 percent of the college undergraduate population.³ Those that complete a college education with a degree in hand have no means to legally obtain a job with their degree. However, some hope is found in legislation such as the federal DREAM Act and California AB 540 to provide in-state tuition, but is this enough? Undocumented students have tackled and overcome many obstacles and barriers that may have prevented them from getting this far in their education. Even for documented minorities in a low socio-economic status, college may be a hard goal to achieve due to a poor education system and lack of access.

The undocumented student population represents an untapped reservoir of potential ready to be unleashed once they receive those magic nine digits. Through recent proposed and enacted legislation, momentum has led groups of undocumented students to come together to push for legislation such as in-state tuition and the promise of residency through the federal DREAM Act. In California, undocumented students actively involved have worked to raise awareness of the AB 540, the California statute granting in-state tuition upon completion of residency requirements. Throughout the increased awareness and changes in legislation of the past few years, I am looking to analyze how institutions of higher education both public and private, have reacted, changed or not changed in response to this.

I created a base of contacts for the study through a method of snowball sampling in the Southern California region. These contacts in turn became case studies for the research ranging from admissions and financial aid officers, high school counselors, colleges student groups,

³ National Immigration Law Center. 2006. "Basic Facts about In-State Tuition for Undocumented Immigrant Students". April.

immigrant advocates and two personal stories of two, both formally and currently, undocumented students. The idea of gaining a wide range of perspectives is to provide a well-rounded view of the issue and to analyze distinctions in views from placement on the ground to the more bureaucratic process. In the findings of the research I hope to add to the fairly new dialogue surrounding undocumented students. I also wish to show that legislation concerning these students will have impactful waves on the entire immigrant population.

In analyzing and synthesizing the case studies of the research, common themes arose across the board. The importance of the proliferation of the student activist groups that arose on college campuses and also through the work with high schools highlights the work that these students are taking on in order to educate and advocate for issues that directly affect them. Colleges and Universities have also become more engaged with the publication of resource guides, mainly references for AB 540. Much of this has come about through engaged formal and informal faculty support. Finally, some action has been taken at select private institutions which have created scholarships for undocumented students through private funds of the school. The work does not stop here.

More can be done in the case of undocumented students and deconstructing the barriers to higher education. Like so many states have done already, implementing in-state tuition will provide a needed break for many students whose concerns are related with financing their education. California has already proposed the next step with the California DREAM Act, which aims to provide access to competitive state scholarships as well as in-state tuition. As a precedent, the case could be made that if California passed their version of the DREAM Act, it would provide more motivation for the Federal version of the DREAM Act to be implemented. These types of legislation would provide the last piece of the puzzle for the undocumented student population and solve the dilemma of graduating with a degree without a means to obtain a job. This is more than just wishful thinking, this is the reality. These propositions are already there and support is needed from everyone regardless of status. Imagine the future becoming reality with nine simple digits.

“It was very hard to realize that even though I felt like a young American and had been educated entirely in this nation, my immigration status limited my options and ultimately how I could live my life.”⁴

⁴ Madera, Gabriela, et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. Los Angeles, CA: UCLA Center for Labor Research and Education.

ACKNOWLEDGEMENTS

I would like to thank Susan Alva for all of her knowledge and guidance which truly led to the fruition of this project. Without her, this would not have been possible.

To everyone that agreed to help out with the research and provided guidance and support throughout the process.

To my parents, whose story provided the inspiration for this project and for giving me the opportunities and tools to succeed.

CHAPTER 1. AMERICA: THE IMMIGRANT NATION

How I Came to Be Here

“With my privilege as a U.S. citizen, I feel...a responsibility to advocate for the rights of those who aren’t as lucky as I am.”⁵

-Gregory Allen Cendana

In the 1980’s, Nicaragua was undergoing a horrific civil war, the Contras fought against the Sandinistas for control of the government. The U.S. decided to intervene and assign the CIA the task to train rebels, most left over from the previous Somoza regime, to fight the Sandinistas for supporting the communist regime in Cuba; in essence the U.S. helped fuel the growing war and travesty in Nicaragua with their intervention and by supplying weapons.

My mother and father married in 1981 and had a son, my older brother, amidst the war ravaged country. Nicaragua is a poor country, having recently been struck in the capital, Managua, by an earthquake in 1972 that to this day, they still haven’t fully recovered from. IN the quiet lulls of periods of cease fire, my mother described her experience looking for her missing cousin. Amidst a sea of slain soldiers, she was able to identify him by his socks and nothing more.

My parents fled a war torn country. My mother left first, leaving behind my father and my older brother who was three at the time. From what little my mother has told me, she recalls tunnels and the danger of entrusting your life in the hands of people that promise to lead you across the border and ultimately running, never knowing when to stop. My grandmother was already in the U.S. and reunited with my mom. Three short months later, my father made the difficult decision and fled with my brother. At the border, my Dad and my brother were separated. He put his trust into someone that assured him his son would see him on the other side. My dad described the same experience: running. Running for what? Running to what? Where was my dad going? When was he going to see his son again? My brother doesn’t remember anything of the passage.

Eventually my dad found my mother and somehow was reunited with my brother. They stayed with my grandmother in East Los Angeles, undocumented and with no where else to go. In 1986, a year after they arrived, I was born and at the same time, my parents were in the

⁵ Madera, Gabriela, et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. Los Angeles, CA: UCLA Center for Labor Research and Education.

process of filing for political asylum. The process took a total of seven years to hear back from, only to eventually be denied. In 1989 my little brother was born, and we moved from East Los Angeles to North Long Beach to government housing projects, Carmelitos, and my grandma moved back to Nicaragua. My little brother is a blessing in many ways, and he is ultimately the reason we are all still here, together. When my parents found out that they were denied political asylum, they quickly repealed the decision, advocating that if they returned to Nicaragua, my little brother would not be able to get the special treatment he needed. My parents and my brother were finally granted residency.

I am here because my parents took the risk, knowing that living in the U.S. undocumented would be better than living in their war torn home. My parents never speak openly about how they came to cross the border and I have here pieced together stories that I've heard over the years. My parents are inspiration for much of the work I do and the reason why I chose to do this topic. Although I may not be undocumented, in my position, I can advocate and use my work and my ability to become an even stronger ally.

A Brief History of Immigrants in the U.S.

Immigrant

- noun: a person who comes to live permanently in a foreign country.⁶

We are a nation founded by immigrants; people coming to this country to pursue a better life many times from oppressive governments in their home country. As Americans, we pride ourselves for being the destination of opportunity and hope; life, liberty and the pursuit of happiness. However, some critics believe that this hope is not meant for all. Samuel Huntington in his article, "The Hispanic Challenge," argues that the increasing number of Latino immigrants entering the United States is destroying the Protestant and Anglo values that our nation was founded upon.⁷ What Huntington fears is the significantly large Latino population in the United States, which currently constitutes 41.3 million or 14 percent of the nation's total population.⁸ Huntington's "nativist" argument can extend to include but not limit it to other ethnic

⁶ The Oxford Online English Dictionary. 2009. The Oxford University Press. <<http://www.askoxford.com>>.

⁷ Huntington, Samuel P. 2004. "The Hispanic Challenge". *Foreign Policy*. March-April. pp. 30-45.

⁸ U.S. Census Bureau. 2005. "Hispanic Heritage Month 2005: September 15-October 15". *Facts for Features*. 8 September.

populations such as Asians, Eastern Europeans and Africans, many of whom came under conditions of slavery.

The U.S. has an extensive and complicated history of immigration policies that have altered the face of America. Dating as far back as the mid-nineteenth century, policies such as the Exclusion Act (1868), which froze and later banned Chinese immigration to the U.S. for ten years. In effect this severely limited the assimilation of Chinese immigrants into American culture in comparison to assimilation of previous immigration waves from Europeans.⁹ The implementation of the Immigration Act (1924) further restricted immigration by placing quotas on all incoming persons based on national origin. This is just one among other similar types of legislation that the U.S. enacted to regulate immigration waves based on nationality. There were also programs that brought in people (labor) such as the Bracero Program (1942). This program invited Mexican workers on temporary visas to work in the fields. These policies, among others, are a reflection of the current attitudes at the time towards immigrants; such legislation has undoubtedly transformed the make-up of American society. Many of the bricks that were laid by immigrant hands make up the foundation of our homes. Blood, sweat, tears and sacrifices were made to make our country what it is today, yet these individuals are continually treated as criminals.

Undocumented

- adjective: not recorded in or proved by documents.¹⁰

Today, roughly 11.6 million undocumented immigrants live in the United States.¹¹ Through the creation of quotas, inviting people under guest worker programs, rapid globalization and other factors, the varying migration flows changed the face of American culture and society. This population (undocumented immigrants: referring to those that are foreign-born and have maintained permanent residence in the U.S. any time after populations of Anglo-Saxon European origin have constituted the majority) has undergone many hardships through policy initiatives and litigation as the U.S. looks to become more restrictive, selective and protective of its borders.

⁹ The Library of Congress. 2003 "Immigration: Chinese."
<<http://memory.loc.gov/learn/features/immig/chinese6.html>>

¹⁰ The Oxford Online English Dictionary. 2009. The Oxford University Press. <<http://www.askoxford.com>>.

¹¹ Baker, Bryan C, Michael Hoefer and Nancy Rytina. 2009. Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2008. Department of Homeland Security Office of Immigration Statistics.

A flare of anti-immigrant sentiment arose with the 9/11 terrorist attacks in 2001, which negatively impacted immigrants as a national security threat. Even before the terrorist attacks, Proposition 187 (1994), which sought to deny immigrant access to state benefits such as education and healthcare, indicated American resentment of the “illegal” population reaping citizen’s tax benefits. California’s Proposition 187, briefly enacted by popular vote and overturned a year later, would have set a precedent against the Supreme Court decision, *Plyler v. Doe* (1982) in Texas, which ruled in favor of providing free K-12 public education for undocumented children. The enactment of Proposition 187 would have had enormous consequences for California and Texas since both are home to the largest undocumented immigrant populations in the nation, 24 and 14 percent respectively.¹² Such legislation would enhance the low assimilation patterns of the undocumented population. Abrego argues that, “while Indian, Korean, and Chinese immigrants generally reach socioeconomic parity with native-born whites within one or two generations, Mexican, Salvadoran, and Guatemalan groups remain trapped in the lower rungs of the economy and their futures look bleak...children of immigrants must move a giant step forward to escape poverty and disadvantage that may otherwise be reproduced into future generations”.¹³ It is important to work around this framework because older models of immigration assimilation that assume easier access and economic mobility are falsely projected on current immigrants attitudes. Abrego fears that if current laws continue a negative regulatory trend, it could “lead some new immigrants into the permanent underclass.”¹⁴ This direction of legislation seeks to deny basic human rights of individuals by discriminating against by their status.

The 1982 court case, *Plyler v. Doe*, “noted that children of undocumented parents should be taken as future members of society.”¹⁵ Of the undocumented immigrant population, the U.S. Census Bureau cites that approximately 2.5 million youth under 18 are living in the U. S.¹⁶ This signifies that there is a large base of youth who still have the chance to get a free education.

¹² Passel, Jeffrey. 2005. *Estimates of the Size and Characteristics of the Undocumented Population*. Washington, DC: Pew Hispanic Center.

¹³ Abrego, Leisy Janet. 2006. “I can’t go to College Because I Don’t Have Papers”. *Latino Studies*. 4, pp. 212-231.

¹⁴ Ibid.

¹⁵ Perry, Andre M. 2006. “Toward a Theoretical Framework for Membership: the Case of Undocumented Immigrants and Financial Aid for Postsecondary Education”. *Review of Higher Education*. 30,1. pp. 21-39.

¹⁶ Chavez, Maria Lucia, Mayra Soriano and Paz Oliverrez. 2007. “Undocumented Students’ Access to College: The American Dream Denied”. *Latino Studies*. 5; 254-263.

Many of these youth are both “included and excluded from U.S. society.”¹⁷ Through their participation in the U.S. education system and by being raised here they mainly come to identify with the culture of their current home, “making them largely indistinguishable from their U.S.-born peers...to avoid questions about their status.”¹⁸ As “future members of society,” undocumented youth who primarily identify as Americans from a young age, have embedded the American ideals of personal social mobility through hard work and education. Even up until high school, many do not know much about their country of origin and therefore fully come to identify as American. This view is disrupted when their educational amnesty ends at high school graduation.

Undocumented Students

Students that end up graduating from high school are often struck by the fact that they are undocumented and prohibited by the law to obtain a job or access to higher education benefits. The Urban Institute estimates that there are 80,000 undocumented youth who have lived in the United States for 5 or more years by the age of 18.¹⁹ Of this population, only 65,000 graduate from high school.²⁰ The limited educational opportunities coupled with the lack of a comprehensive immigration package, is creating a path to disappointment when students realize that the place they call home is not legally theirs and that their educational aspirations may be cut short. Andre M. Perry elaborates on this point that through a theoretical framework of membership, people form relationships and identification through factors that do not include a conscious consideration of their status.²¹ When asked for associations with their home state, individuals identified with informal factors that tie them to their nationality. A regular American is not asked to carry around documentation to prove their status. They are as American as the culture that they fully identify with and consume on a daily basis. The case is strongly argued and recognized by both sides that undocumented youth brought to the U.S. at a young age should

¹⁷ Abrego, Leisy Janet. 2008. “Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California”. *Law and Social Inquiry*. 33,3; pp. 709-734.

¹⁸ Ibid.

¹⁹ Passel, Jeffrey S. 2003. *Further Demographic Information Relating to the DREAM Act*. Washington, DC: The Urban Institute.

²⁰ Ibid.

²¹ Perry, Andre M. “Toward a Theoretical Framework for Membership: the Case of Undocumented Immigrants and Financial Aid for Postsecondary Education”. *Review of Higher Education*. 30, 1; Fall 2006. 21-39.

not be punished for the crimes committed by their parents. From a basic human rights standpoint, regardless of citizenship, everyone should be entitled to free public education. Students are entitled to these rights under the constitutional clause of the 14th amendment, which stipulates that no one can be denied “within its jurisdiction the equal protection of the laws.” Much of the framework and basis for the argument of this document will be based on the core assumptions of equal protection and the protection of basic human rights.

Currently, undocumented students are entering institutions of higher education under the radar at both private and public schools. As more legislation has been introduced, the voice for immigrant rights has risen in response. Advocates are pushing for more access to higher education to stop the perpetual cycle of poverty and to create a path to residency and eventually citizenship.²² Most undocumented workers averaged \$355 per week; meanwhile U.S. workers averaged \$671 per week.²³ The traditional path to upward mobility is through the education system; however as undocumented students in college obtain their degree, it will not be useful until they are naturalized. These students can potentially move from the income bracket of a high school diploma, \$31,071, to that of a bachelor’s degree, \$56,788.²⁴ How are institutions of higher education responding to the increasing shift in demographics of applicants which contain higher numbers of undocumented students? What are High School counselors doing about this gap from High School to college? How is the issue being dealt with between public and private colleges and universities? These are core issues to be considered carefully given the state of our educational system.

The State of Our Educational System

The national percent of students that graduate from high school annually is 68 percent.²⁵ In comparison California ranks 32nd in national high school graduation rates. In the U.S. as a whole, only 61.6 percent go to college; in California it is 55.8 percent.²⁶ Even more so, these statistics work well to illuminate the gravity of the situation given the unique nature of

²² Abrego, Leisy Janet. 2006. “I can’t go to College Because I Don’t Have Papers”. *Latino Studies*. 4, pp. 212-231.

²³ Singley, Catherine. 2008. *Five Facts About Undocumented Workers in the United States*. National Council of La Raza.

²⁴ Trevino, Marisa. 2008. “Why not let students ‘become someone’”. *USA Today*. 25 July.

²⁵ WestEd. 2004. *California’s Graduation Rate: The Hidden Crisis*. May.

²⁶ *Ibid*.

California's overwhelmingly diverse population, more attention needs to be focused on highlighting the importance of bridging the gap for undocumented students from high school to college. There is a need to tap into this wealth of knowledge. In 2004, approximately 10.3 million people living in the U.S. were undocumented, comprising 29 percent of the total foreign born population.²⁷ In 2006, there was an estimated 18 percent undocumented children.²⁸ Nationally there are an estimated 65,000 undocumented immigrants who graduate from high school, with an estimated 5-10 percent of this total going on to college. Overall, less than 2 percent of college admissions are undocumented.²⁹ The undocumented immigrant population accounts for a significant number of people living in the U.S. and without proper resources and aid, they go overlooked as they live in the shadows of our American economy. Why is it important to help this population?

The U.S. has slipped in prestige over the past few decades, ranking 19th in quality of education³⁰ in world competitiveness for producing high tech workers and a skilled work force and investing in institutions of higher education. Consequently employers are looking abroad to fill these positions at home. In the U.S., there is a large untapped population that is essentially forgotten. This includes undocumented students who graduate from college, but have no access to a job due to their legal status. The book, *Underground Undergrads*, tracks a couple of personal stories of UCLA students that went through college under the radar and were unable to receive financial aid.³¹ The book highlights the lack of a cohesive response or attitude towards undocumented students. States have tackled one side of the issue by making tuition rates more accessible for students that meet certain requirements of residency. California passed a law, AB 540, along with nine other states: Texas, Utah, Washington, New York, Oklahoma, Illinois,

²⁷ Bean, Frank D, Jennifer Van Hook and Jeffrey Passel. 2005. "Unauthorized Migrants Living in the United States: A Mid Decade Report." *Migration Policy Institute*. 1 September.

²⁸ Passel, Jeffrey S. 2003. *Further Demographic Information Relating to the DREAM Act*. Washington, DC: The Urban Institute.

²⁹ National Immigration Law Center. 2006. "Basic Facts about In-State Tuition for Undocumented Immigrant Students". April.

³⁰ World Economic Forum. 2008. *The World Competitiveness Report 2008-2009*

³¹ Madera, Gabriela, et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. Los Angeles, CA: UCLA Center for Labor Research and Education.

Kansas, New Mexico and Nebraska.³²



Image 1. Map depicting ten states that offer in-state tuition legislation: California, Washington, Utah, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Illinois and New York.

Source: Russell, Alene. 2007. "In-State Tuition for Undocumented Immigrants: States' Rights and Educational Opportunity". *A Higher Education Policy Brief*. American Association of State Colleges and Universities. August.

above map highlights the states in blue that have already implemented in-state tuition legislation, which includes states with the highest immigrant populations (California, Texas, Florida and New York) and states that may see future increase in immigration. In-state tuition policies have had overwhelming bipartisan support. These states recognize that this act is not providing free tuition but rather opening the applicant pool to reach a larger number of qualified students and to provide more access to education as a fundamental right.³³ This is the beginning step towards improving access to education for all. However, are institutions of higher education such as private, public and community colleges responding in the same way?

³² Russell, Alene. 2007. "In-State Tuition for Undocumented Immigrants: States' Rights and Educational Opportunity". *A Higher Education Policy Brief*. American Association of State Colleges and Universities. August.

³³ National Immigration Law Center. 2006. "Basic Facts about In-State Tuition for Undocumented Immigrant Students". April.

International rankings show that although the U.S., in 2001, spent the most overall in education at \$500 billion and is in a close race in the top five for per capita spending, it ranked 10th in percent of GDP spending.³⁴ Despite this mid-range ranking in the world, such statistics should not overshadow the realities and disparities that are faced by students in our educational system. Access and quality are greatly affected by personal income as well as ethnicity.

It is a repetitive cycle that is exemplified by former President George W. Bush's attempts to fix the educational gaps, but consequently his program, "No Child Left Behind" (NCLB), did no more than expose the inequalities and shortcomings of public institutions all over the U.S.. All schools are required to reach 100 percent literacy by 2014 by unfunded mandates and those that don't meet these standards face serious sanctions in the future. Statistics show that compared to whites, 35 percent of blacks and Latinos live in poverty and are overrepresented in public schools. NCLB penalizes underperforming public schools aiming to eventually destroy a system that this act asserts is unsuccessful.³⁵ Subsequently, this has done nothing to improve graduation rates and funding is continually cut from education to balance the budget. According to the 2000 Census, only 40 percent of undocumented Hispanic males between ages 18 to 24 who arrived in the United States before age 16 had completed high school or obtained a GED.³⁶ Also of concern is that in recent years, California State University schools have been facing a budget crunch that has forced them to cut back on the number of students that they are admitting every year.³⁷ With a population that is expected to grow, this means less access to higher education for the greater population.

California: A Changing Landscape

California is ranked 32nd in the nation in high school graduation rates and the national average for all states is 68 percent.³⁸ These numbers are even lower for Hispanics at 57.0 percent and blacks at 55.3 percent for high school graduation rates. Whites on the other hand, in general, have more resources available to them to obtain a full education, which translates to higher rates

³⁴ Online Computer Library Center. 2004. *Pattern Recognition: 2003 Environmental Scan*.

³⁵ Karp, Stan. 2003. "Equity Claims for NCLB Don't Pass the Test". *Rethinking Schools*.

³⁶ Batalova, Jean and Michael Fix. 2006. "New Estimates of Unauthorized Youth Eligible for Legal Status under the DREAM Act." *Migration Policy Institute*. October.

³⁷ California State University. 2003. "CSU Admission and Enrollment Updates". *CSU Review*.

³⁸ WestEd. 2004. *California's Graduation Rate: The Hidden Crisis*. May.

of graduation. Schools that have the lowest high school graduation rates are also the schools that have the lowest amount spent per capita. Data shows that schools that are generally underserved are located in urban neighborhoods with low income students who are overwhelmingly black or Latino. This presents a persistent link with minorities falling into lower income brackets. Less than 18 percent of blacks and 11 percent of Latinos earn a bachelor's degree.³⁹ As a very diverse state, California is deeply affected by this.

Over 30 percent of the state's population is Latino,⁴⁰ and this number is expected to grow in the coming years with estimates claiming that Latinos may comprise over 50 percent of the total state population.⁴¹ Data from 2004 shows that only 12 percent of the Latino population age 25 and older earn a bachelor's degree.⁴² This is cause for concern as estimates predict that the number of Latinos in California is going to double and if changes aren't enacted soon, barriers that are in place today may impede upon the aspirations of many hopefully college-bound students. Qualified persons for a skilled work force may not be produced at the rate that the population is requiring. A significant portion of this population happens to be undocumented. Many case studies show that these students that are aspiring to go to college have been brought to the U.S. at a very young age and primarily identify with American culture.⁴³ There are an estimated 20,000 "illegal immigrant" college students in California with most of them attending community colleges.⁴⁴ Currently immigrant students represent 7.34 percent in the CSU system and 13.73 percent in the California Community College System.⁴⁵ While they are pushed in K-12 education to succeed, there is no room to grow after that as jobs in the economy now require more than just a high school education.⁴⁶

Discouraging factors such as little promise for a bright future after all of their hard work up to now is leaving many students unmotivated in their final years of high school. Many drop-

³⁹ Rimer, Sarah. 2008. "Urban Schools Aiming Higher than Diploma". *The New York Times*. 17 January.

⁴⁰ US Census Bureau. 2006. *Quick Facts*.

⁴¹ Douzet, Frederick, Thad Kousser and Kenneth P. Miller. 2008. *The New Political Geography of California*. Berkeley, CA: Berkeley Public Policy Press. 12.

⁴² U.S. Census Bureau. 2005. "Hispanic Heritage Month 2005: September 15-October 15". *Facts for Features*. 8 September.

⁴³ Madera, Gabriela et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. Los Angeles, CA: UCLA Center for Labor Research and Education.

⁴⁴ Watanabe, Teresa. 2007 "Dreams put on hold for many illegal immigrant students". *The Los Angeles Times*. 26 October.

⁴⁵ Macias, Elena. 2007. *Improving Immigrant Student Success*. A CSULB HIS and FCPD Conference. 16 March.

⁴⁶ Rimer, Sarah. 2008. "Urban Schools Aiming Higher than Diploma". *The New York Times*. 17 January.

out and are fed into a cycle that reproduces low income families in future generations.⁴⁷ Immigrant students that attend California State University, Long Beach (CSULB) that are receiving financial aid had an average family income of \$30,000 with 41.3 percent requiring zero expected family contribution.⁴⁸ Without legal status, many will be unable to find a job with the skills needed to work higher living-wage jobs. To reiterate, as this population goes ignored, with some projections that the number of undocumented immigrants will increase once the economy improves, the U.S. fails to increase its competitiveness or fulfill its basic belief that every person should be treated equally; thus impeding the basic human rights of every person.

A Globalized Job Market

"There are some specialized jobs you cannot fill with U.S. citizens anymore, and we'll probably see more of that," said a manager in 1989 for Kellogg, an engineering firm based in Houston.⁴⁹ For almost 20 years now, this problem has been identified in the U.S. and slowly but surely, the U.S. has fallen in prestige and world rank in competitiveness. We are ranked 19th in the world for quality of education and 48th for quality of math and science programs.⁵⁰ These are the fields that employers are looking abroad for since at home, we cannot supply enough of a skilled work force. This is characteristic of how poorly the government has performed in educating its own people and providing the right opportunities. Especially in the midst of an economic crisis, it is crucial not to lose sight of what is important as budgets are getting cut and the University of California (UC) is continually losing funds every year. Lack of investment in these public institutions will ultimately lead to a nation that cannot rely on its own human capital to run the country.

Those highly affected by this are employers and educators. There are many factors to consider as the U.S. is not providing adequate access to higher education to overlooked groups, specifically undocumented students. The U.S. is no longer as a consequence, able to provide enough in human capital to fulfill high tech jobs at home. Businesses must consider how this may affect them, as one way may be financially if they cannot rely on their home country to

⁴⁷ Abrego, Leisy Janet. 2006. "I can't go to College Because I Don't Have Papers". *Latino Studies*. 4, pp. 212-231.

⁴⁸ Macias, Elena. 2007. *Improving Immigrant Student Success*. A CSULB HIS and FCPD Conference. 16 March.

⁴⁹ Suro, Robert. 1989. "Employers are Looking Abroad for the Skilled and the Energetic". *The New York Times*. 16 July.

⁵⁰ World Economic Forum. 2008. *The World Competitiveness Report 2008-2009*.

invest in labor for their industries. Of concern should be major employers such as hospitals, manufacturing, engineering and design. Educators should also be concerned with fixing the flaws in the education system, and providing more access to underrepresented groups, in this case, undocumented immigrants.

The Bigger Picture

The U.S. has gone through many drastic changes in our short time as a country that have significantly altered the way we view ourselves as Americans today. Part of this is the extensive and core basis of being a nation founded by immigrants. Today that picture is much different than it was 150 years ago with our common perceptions of immigrants being Mexican migrants that have illegally crossed the U.S.-Mexico border. The truth is that we as a nation, and especially the state of California, have become inextricably intertwined in destiny and future in relation to our diverse population. Undocumented students are paving the way towards the major changes that will come about in our country. For that reason access to higher education needs to be increased based on many interplaying factors:

- Providing an unprecedented opportunity to those students, who comprise a significant number of the undocumented youth. Access to higher education will fulfill a part of their American identity that they have established since being brought to the U.S. from a very young age. Instilling college opportunities after high school may inspire many students to not drop-out before finishing their high school education.
- In reference to the point made above, many of these youth primarily identify with American culture. With a degree in hand, undocumented students are caught in a catch-22 situation where they cannot obtain a job because of their legal status. In providing a path to citizenship for undocumented students, this will create many more home grown entrants into the labor force, lessening the impact that we have globally on importing our labor for our high tech industries and skilled work force.
- Increasing access to more educational amenities, coupled with the opportunity to naturalize, will increase the socio-economic status of many families based on the fact that obtaining a bachelor's degree can render a higher income job than just a high school degree.

- There are and shouldn't be any exceptions to the equal protection clause of the 14th amendment to the constitution as addressed by the court ruling in Texas, *Plyler v. Doe* (1982). Every person deserves the same fundamental rights and education is one of them. Based on the premise of this argument, if discrimination is utilized with respect to one group of people, the argument can be extended to others.

Some scholars add that, “Studies of undocumented immigrants who legalized their status through the Immigration Reform and Control Act (IRCA) of 1986 reveal that legal status brings fiscal, economic and labor-market benefits to individual immigrants, their families, and the U.S. society in general”.⁵¹ Nearly a decade after the introduction and implementation of AB 540 in California and after several attempts at the passage of the DREAM Act and immigration reform, how have colleges and universities responded to the opportunities that could be made available if the notion, embedded in the equal protection clause, could be the basis for college admissions for all resident students, regardless of their status? How significant is their role in the future of undocumented students and overall immigration reform?

Putting it All Together

The purpose of this study is to evaluate the effects of recent immigration changes through litigation and legislation on institutions of higher education and what are the next steps that can be taken to improve undocumented student access to higher education. The primary method for establishing a contact pool through the research presented came through snowball sampling. A basic network of contacts led to acquaintances that contributed to the research, all of which were categorized into five groups: college admissions officers, financial aid officers, college student groups, non-profit immigrant advocates and high school counselors. Combining perspectives from institutional affiliation to on the ground immigrant advocates and perspectives from high school counselors, these groups were chosen to tackle a well-rounded approach surrounding the issue. In no way does this research claim to be a fully representative list of perspectives. The sample is influenced by choosing the southern California region, with a rich immigrant

⁵¹ Immigration Policy Center. 2007. “Dreams Deferred: the Costs of Ignoring Undocumented Students”. 18 October.

population both documented and undocumented. However, the location of the study lent itself to providing a good amount of available case studies of the colleges and universities involved.

The most vital aspect of the research are the 10 interviews that I conducted which provided insight to the background research presented. The timeline of the process, from the initial start date to the final presentation, took place over the course of 8 months, September 2008 through April 2009. The intensive research period spanned three and a half months from Mid January to April 2009. Interviewees were given the option to be tape recorded or not, most agreed when face-to-face and only one was not eligible, a phone interview. Most of the contacts were receptive to participating in the interview process, however due to the sensitivity and confidentiality regarding the subject, some contacts initially noted their reservation talking about the subject. The goal of this research is to pull together multiple perspectives in order to analyze the responses of colleges and universities to the increasing awareness and changes in policy of undocumented students in higher education.

Through synthesizing prior research in the area of undocumented students and using theoretical frameworks such as cultural identification through place, I wish to expand and add to the discussion of undocumented students in higher education. This is an area of immigration debate that is fairly new, in the context of the historical debate over immigration. Recent implementations of new laws are targeted to make effective change for these groups of students, which will ultimately have impactful waves upon the greater immigration population. By no means does this study intend to victimize or make undocumented students inherently and completely subject to changes in law and litigation. Rather, I attempt to highlight amidst the ever changing landscape of the immigration debate, that these students continue to persevere as some of the brightest talent we have. They are the future leaders of tomorrow and that is why their stories are the most impactful for change.

CHAPTER 2.

EXAMINING MAJOR POLICY AND LITIGATION

Immigration legislation and litigation has changed dramatically over the years. These changes have often been the result of historical international implications such as 9/11 or through American upheaval at home through landmark court cases. The following section tracks immigration legislation and litigation chronologically to paint a picture of the changes in attitude towards undocumented immigrants and the fluctuation of action in response to current trends.

Chronological Litigation/Legislation Chart - Summaries

Type	Name	Proposed/Enacted	Summary
Legislation	California: Uniform Residency Law	1980	A California Residency law enacted between 1974 and 1980 that allowed persons living in California for an extended period of time to access in-state tuition. U.S. conflicts with the embassy in Iran put the spotlight on the many Iranians attending California colleges and universities; because of this, the measure failed to be reinstated. Any future attempts also failed to pass.
Litigation	Texas: <i>Plyler v. Doe</i>	1982	A supreme court case challenging the constitutionality of barring undocumented students from accessing free K-12 public education in order to relieve strained funding in Texas state education. The ruling found the law unconstitutional and implicitly stated that undocumented students had access to free public K-12 education.
Litigation	California: <i>Leticia A. v. UC Regents and CSU Board of Trustees</i>	1986	The court ruling allowed for undocumented students to qualify for in-state tuition for California colleges and universities. It also provided them with the opportunity to apply for competitive state financial aid.
Legislation	Immigration Reform and Control Act (IRCA)	1986	Immigration reform that sought to implement employer sanctions for those that knowingly hired undocumented workers. The law also provided for an increase in border patrol along the U.S.-Mexico border. Most importantly, it provided amnesty for persons who have been living "unlawfully" since January 1, 1982.
Litigation	California: <i>Bradford v. UC Regents</i> (The Bradford Decision)	1990	This court case over turned the Leticia A. ruling, in effect barring undocumented students from in-state tuition and state financial aid.

Legislation	Proposition 187	1994	Proposed to deny all undocumented immigrants access to government benefits such as welfare, healthcare and K-12 education. It was briefly enacted by popular vote, but never passed when Governor Gray Davis dropped the appeal.
Legislation	Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	1996	The main provision for undocumented students implemented a reciprocity measure stating that no benefits could be given to non-citizens unless citizens had the same rights and access to these benefits. It also allowed the Secretary of State to delegate immigration policing duties to local law enforcement.
Legislation	Texas: HB 1403	2001	The first state in the U.S. to enact legislation that provided in-state tuition for undocumented students, provided they met the requirements for residency.
Legislation	California: AB 540	2001	California followed the landmark Texas legislation by providing in-state tuition for undocumented students that have attended and graduated from a California high school for three years (or received the equivalent GED).
Proposed Legislation	Development, Relief and Education for Alien Minors Act (The DREAM Act)	2001 to Present	This proposed legislation was first introduced to congress in 2001 and came up several times afterwards as a stand alone bill and sometimes added on to comprehensive immigration reform bills. The main provisions of the bill look to provide conditional residency for undocumented students that have been accepted into an accredited 2 or 4 year institution or serve 2 years in the armed forces.
Proposed Legislation	The California Development, Relief and Education for Alien Minors Act (California DREAM Act)	2005	California introduced similar legislation in 2005 that aimed to provide students that qualified under AB 540 guidelines the opportunity to compete for state financial aid by attending an accredited college or university.

Chronological History of Major Policy and Litigation

The Uniform Residency Law (1980)

For six years, between 1974 and 1980, there was an exception granted in the California Residency law that allowed persons living in California for an extended period of time to access in-state tuition. There were no provisions for citizenship. When this period came to an end, the proposal came up for renewal. Current U.S. conflicts with the Embassy in Iran put the spotlight on the many Iranians attending California colleges and universities and because of this, the measure failed to be reinstated. Any future attempts also failed to pass.⁵²

Plyler v. Doe (1982)

In May 1975, the Texas legislature created a statute, section 21.031 of the Texas education code, which revised the education laws resulting in two additions:⁵³

- To deny state funding for education to those that are not lawfully present in the U.S.
- Allowing local school districts to deny enrollment of children not legally admitted to the U.S.

Public schools were also allowed to charge tuition up to \$160 a month to undocumented children.⁵⁴ Several cases were brought to the courts, since the 1975 statute, to overturn this decision and one judge in Houston, Woodrow Seals, in 1980 found that the revisions violated the constitution's 14th amendment equal protection clause. Dissenters to this judge's opinion argued that allowing "illegal-alien children" access to free government education imposed a financial burden on the state, hindering the quality of education for its citizens.⁵⁵ This decision was immediately appealed. Following through and upholding the appeal would have great implications for other states that did not take into consideration citizenship for school enrollment such as California and New York, two states with high immigrant populations.

Finally in 1982, court cases from around the state were compiled into one class action suit brought to the supreme court. The defendants of section 21.031 of the Texas education code

⁵² Assembly Bill 1197. 1999.

⁵³ Oyez: U.S. Supreme Court Media. 1981. Plyler v. Doe Oral Argument. <http://www.oyez.org/cases/1980-1989/1981/1981_80_1538/argument>.

⁵⁴ Brown, Warren. 1980. "Texas Plans to Appeal Court Ruling Voiding State Law on Alien Schooling". *The Washington Post*. 23 July.

⁵⁵ Ibid

included the Superintendent of the Tyler Independent School District, James Plyler, the Board of Trustees and the state of Texas. The plaintiffs, contesting the decision, were represented by J. and R. Doe, lawyers representing unnamed undocumented students seeking a free education in a class action law suit. (*Plyler v. Doe*) The defendants argued that the influx of undocumented immigrants posed an economic burden on the public education system and that in order to alleviate the problem; they would bar undocumented children from accessing free public education and withhold any funding that would be used to do so. It was classified as the, "preservation of the state's limited resources for the education of its lawful residents."⁵⁶ The plaintiffs, Doe et al., argued that it was in violation of the equal protection clause of the 14th amendment, and chief Justice Warren E. Burger in his statement for the majority opinion, stated it succinctly that, "Whatever his status under the immigration laws, an alien is surely a 'person' in any ordinary sense of the term."⁵⁷ This statute has already been defined under the 5th and 14th amendment for other court cases.

The court in a 5-4 majority decision ruled in favor of Doe, citing that the statute imposed a "lifetime hardship on a discrete class of children not accountable for their disabling status."⁵⁸ It also supported the notion that, "the state must do more than justify its classification with a concise expression of an intention to discriminate."⁵⁹ Neither side of the trial fully opposed to providing educational opportunities as noted in Chief Justice Burger's dissenting opinion. Their argument is that "illegal aliens" do not have the right to be here; it should not entitle them to receive governmental support which comes at the cost of those lawfully residing in the state.⁶⁰ Depriving this population of its right to education, consequently takes a negative toll on the "fabric of our society" socially, economically, and intellectually and psychologically imposes hindrances on the personal advancement of a person⁶¹. Although this court case did not have any outcomes that applied to undocumented students wanting to access higher education and benefits

⁵⁶ U.S. Supreme Court Case. 1982. *Plyler v. Doe*. < <http://www.enfacto.com/case/U.S./457/202/>>.

⁵⁷ Brennan Jr, William J. 1982. "Excerpts from Supreme Court's Opinions on the Education of Illegal Aliens". *The New York Times*. 16 June.

⁵⁸ Oliverez, Paz M. et al. eds. 2006. "The College and Financial Aid Guide for AB540 Undocumented Immigrant Students." *Center for Higher Education Policy Analysis*. University of southern California. October.

⁵⁹ Brennan Jr, William J. 1982. "Excerpts from Supreme Court's Opinions on the Education of Illegal Aliens". *The New York Times*. 16 June.

⁶⁰ Burger, Warren E. 1982. "Excerpts from Supreme Court's Opinions on the Education of Illegal Aliens". *The New York Times*. 16 June.

⁶¹ U.S. Supreme Court Case. 1982. *Plyler v. Doe*. < <http://www.enfacto.com/case/U.S./457/202/>>.

such as financial aid,⁶² it did start to pave the way to that path by solidifying the right for any person under the jurisdiction of the government to receive free K-12 public education regardless of their status.

Leticia A. v. UC Regents and CSU Board of Trustees (1985)

UC Regents and the CSU Board of Trustees (*Leticia A. v. Board of Regents*) contesting a revision to the California Education code section 68062 which reads:

“(h) An alien, including an unmarried minor alien, may establish his or her residence, unless precluded by the Immigration and Nationality Act (8 U.S.C. 1101, et seq.) from establishing domicile in the United States.”⁶³

The addition of section 68062 in 1983 sparked the basis for the case related to the argument that regulations for residency in the state of California should not have different requirements for undocumented students; it is unconstitutional.⁶⁴ Leticia A. won the court case without an appeal from the UC Regents or the CSU board of trustees.⁶⁵ The court case established that undocumented students would be subject to the same guidelines as U.S. citizens for residency as written in the California constitution: one year and a day as long as they had the intent to establish permanent residency within the state.⁶⁶ Community colleges were not mentioned in the court case, however the Community College Chancellor’s Office implemented the new ruling.⁶⁷ In effect, undocumented students that qualified for residency under the new standards also were eligible to apply for state financial aid in the form of Cal Grants.⁶⁸

A network of supporters and undocumented students formed the Leticia A. Network for Immigrant Access to Higher Education, named after the land mark court decision in 1985. Irma

⁶² Oliverez, Paz M. et al. eds. 2006. “The College and Financial Aid Guide for AB540 Undocumented Immigrant Students.” *Center for Higher Education Policy Analysis*. University of southern California. October.

⁶³ California Education Code § 68062.

⁶⁴ Guillen, Liz. “Undocumented Immigrant Students: A Very Brief Overview of Access to Higher Education in California”.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Archuleta, Irma. 2007. “Dreams and Aspirations Denied: The Educational Plight of Undocumented Students”. *Improving Immigrant Student Success: A Professional Development Conference for Faculty and Staff*. California State University, Long Beach. 16 March.

⁶⁸ Madera, Gabriela et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. UCLA Center for Labor Research and Education. November.

Archuleta, one of the co-chairs and co-founders of the network formed a coalition of “counselors, teachers and employees from all three higher education segments, community advocates, students, parents, and civil rights advocates.”⁶⁹ The purpose of the network was to connect different campuses across the state and serve as a newswire to make schools aware of different laws and classification concerning undocumented students, but most importantly to spread the word about the Leticia A. court order.⁷⁰

The decision remained unchallenged for five years in the UC system from 1986 to 1991 and the CSU system for nine years from 1986 to 1995 until the Bradford Decision.⁷¹ In the Spring of 1991-1992, the Los Angeles Superior Court overturned the Alameda County Leticia A. court ruling for both the UC and CSU in what resulted as the Bradford decision.⁷² In the period from 1992 – 2001, undocumented students attending any of the three public school systems for higher education in California had to pay out-of-state tuition.⁷³

Immigration Reform and Control Act (IRCA) 1986

Introduced into the senate in 1985 and adopted in 1986, the Immigration Reform and Control Act was one of the last comprehensive immigration laws passed in the United States as a revision to the Immigration and Nationality Act (1952). The main provisions included:⁷⁴

- 1) Legalization: Amnesty for those who had been residing in the United States since January 1, 1982 and who had resided continually in an “unlawful status” with no criminal record. A branch included the Special Agricultural Worker program (SAW) stipulating that a worker had to have worked 60 days of seasonal work from May 1985 to May 1986. In order to counter the number of workers that would inevitably leave farm work afterwards, congress implemented the Replenishment Agricultural Worker (RAW) program requiring people granted temporary residence to work at least 90 days in seasonal agricultural work for the following three years.

⁶⁹ Guillen, Liz. “Undocumented Immigrant Students: A Very Brief Overview of Access to Higher Education in California”.

⁷⁰ Ibid.

⁷¹ Oliverez, Paz M. et al. eds. 2006. “The College and Financial Aid Guide for AB540 Undocumented Immigrant Students.” *Center for Higher Education Policy Analysis*. University of southern California. October.

⁷² Archuleta, Irma. 2007. “Dreams and Aspirations Denied: The Educational Plight of Undocumented Students”. *Improving Immigrant Student Success: A Professional Development Conference for Faculty and Staff*. California State University, Long Beach. 16 March.

⁷³ Ibid.

⁷⁴ Thomas (Library of Congress). 2001. U.S. Govt. 1 August. <<http://thomas.loc.gov>>

- 2) Employer Sanctions: There were three ways that an employer could be sanctioned under this new provision: (1) having prior knowledge of hiring an undocumented worker; (2) continuing to knowingly employ workers that are undocumented; (3) hiring individuals without correctly verifying their eligibility to work. This applied to employers with three or more workers.
- 3) Border Enforcement: The law mandated a 50 percent increase in Border Patrol staffing. Soon afterwards, there was a spike in the number of apprehensions along the border.

IRCA was unique in that it provided for immigration reform with legalization programs for undocumented persons already residing in the U.S..⁷⁵ It was ultimately an attempt at balanced immigration reform with various political compromises for restrictive vs. generous policies. IRCA initially prompted over 3 million people to apply for permanent residency under its amnesty provision and approximately 2.7 million people were granted permanent residency.⁷⁶ The focus of IRCA shifted from blaming the victim to attempting to discourage employers from hiring undocumented workers in order to lower incentives for immigrants to illegally enter the United States, which can be seen as a way to balance strong enforcement with the rights of employers and workers.⁷⁷ Since the implementation of IRCA, many critics have cited its lack of authority in holding employers accountable for their actions.^{78,79} It is seen in the fact that the section that elaborated on employer sanctions actually rested on a technicality as to whether or not employers had prior knowledge of the undocumented status of their workers.

Later studies on the effects of IRCA on the undocumented population reveal that undocumented immigrants that naturalized under this law enjoyed greater fiscal, economic and labor-market benefits individually and to U.S. society as a whole. Those legalized under IRCA, by 1992, found better jobs than the ones they secured when they arrived.⁸⁰ The U.S. Department of labor also cites positive social improvement by the fact that “the wages of those immigrants

⁷⁵ Cooper, Betsy and Kevin O’Neil. 2003. “Lessons from the Immigration Reform and Control Act of 1986”. *Migration Policy Institute*. No, 3. August.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Madera, Gabriela et al. 2009. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. UCLA Center for Labor Research and Education. November.

⁷⁹ U.S. Citizenship and Immigration Services. 2009. 31 March. <<http://www.uscis.gov/>>

⁸⁰ Powers, Mary G., Ellen Percy Kraly & William Seltzer. 2004 “IRCA: Lessons of the Last U.S. Legalization program,” *Migration Information Source*. July.

who received legal status under IRCA had increased roughly 15 percent five years later.”⁸¹ Although IRCA has introduced positive results with greater numbers of legalization and attempts to balance stronger border enforcement with stronger enforcement in the U.S., it is far from complete comprehensive immigration reform. This legislation excludes certain populations which lead to the need for revisions and new approaches given the current circumstances surrounding undocumented immigrants.

Bradford v. UC Regents (1990)

Since the Leticia A. ruling in 1985, undocumented students in California were able to receive in-state tuition rates if they met the guidelines for California residency and were able to apply and qualify for Cal Grants among other state financial aid. In 1990, David Paul Bradford, a UCLA staff person refused to follow the Leticia A. order and claimed he was forced to quit because of it. He filed an employee action and won his suit against the UC Regents challenging the 1985 Leticia A. decision.⁸² As a result of the injunction, in the fall of 1991, the UC’s began classifying undocumented students as non-residents for out-of-state tuition purposes. Undocumented students subsequently lost the right to state financial aid in 1992 when the California State Aid Commission adopted the Bradford ruling.⁸³ Since California Community Colleges (CCC) and the CSU system were not specifically named in the injunction, they were able to extend the life of Leticia A. court decision. Despite that, CCC moved forward to adopt the Bradford decision and allowed undocumented students enrolled in the Fall 1991 to be the last class to keep their resident classification but began implementing the Bradford decision with the incoming class in February 1992.⁸⁴ The CSU, however did not follow suit until they were challenged by the Bradford team and lost their case. They appealed the decision but were ultimately forced to implement it in 1995, five years later than the original ruling for the UC.⁸⁵

⁸¹ Cooper, Betsy and Kevin O’Neil. 2003. “Lessons from the Immigration Reform and Control Act of 1986”. *Migration Policy Institute*. No. 3. August.

⁸² Guillen, Liz. “Undocumented Immigrant Students: A Very Brief Overview of Access to Higher Education in California”.

⁸³ Oliverez, Paz M. et al. eds. 2006. “The College and Financial Aid Guide for AB540 Undocumented Immigrant Students.” *Center for Higher Education Policy Analysis*. University of southern California. October.

⁸⁴ Guillen, Liz. “Undocumented Immigrant Students: A Very Brief Overview of Access to Higher Education in California”.

⁸⁵ Ibid.

In May of 1992, the Alameda County courts issued a “Clarification Order” intending to clarify the 1985 Leticia A. case with the Bradford Decision.⁸⁶ The argument presented by Bradford claimed that universities and institutions of higher education were overstepping their boundaries in making laws that ultimately were regulating immigration, a responsibility therefore best left to the federal government.⁸⁷ There is no specific data that points to the number of undocumented immigrants that benefitted from the initial ruling that allowed in-state tuition and state financial aid. However, with out-of-state tuition as much as three times the cost of in-state resident tuition, it is clearly a big factor that undeniably deterred many students from accessing higher education. Not until 2001 would legislation be introduced in California that would open up these opportunities again.

Proposition 187 (1994)

California’s Proposition 187, popularly known as the “Save Our State Initiative” (SOS) or the anti-immigrant initiative, was put on the ballot for the November 16th election in 1994. Dick Mountjoy, a California state assemblyman, introduced the initiative due to his frustration with the lack of action on the national level towards immigration reform.⁸⁸ Proposition 187 voiced the concerns of the anti-immigrant groups and summed up their argument succinctly: to deny undocumented immigrants access to public aid and social welfare. The formal provisions included:⁸⁹

Section 1: “To prevent illegal aliens in the United States from receiving benefits or public services in the State of California.”

Section 2 & 3: To penalize any person(s) that is providing or using false documents of identification for the purposes of intentionally concealing their true status.

Section 4: “Every law enforcement agency in California shall...(1)[a]ttempt to verify the legal status of such person as a citizen of the United states. [...] the verification process may include, but shall not be limited to, questioning the person regarding his or her date

⁸⁶ Alameda County Court of Appeals. 1995. 17 January.

⁸⁷ Mexican American Legal Defense Fund (MALDEF). College Outreach Campaign: Education at Your Reach! Educacion a tu alcance!

⁸⁸ Balin, Bryan J. 2008. “State Immigration Legislation and Immigrant Flows: An Analysis.” *The Johns Hopkins University School of Advanced International Studies*. Washington, DC. 21 March.

⁸⁹ California Proposition 187. 1994. 16 November.

and place of birth, and entry into the United States, and demanding documentation to indicate his or her legal status.”

Section 5: Public social services are only to be available to citizens of the U.S. to “protect public funds from misuse.”

Section 6: No undocumented immigrant may receive benefits from publicly funded healthcare, with the exception of emergency medical care.

Section 7 & 8: Undocumented students shall not be allowed to enroll in any public institution in the California education system, including K-12 education and institutions of higher education. K-12 institutions will have to verify the legal status of students and parents and/or guardians.⁹⁰

Section 9: The attorney General shall report any undocumented person within their knowledge to the Immigration and Naturalization Service.

Proponents argued that the purpose of the bill was to send a strong message that California is looking towards stricter immigration laws to lessen the in-flow of undocumented immigrants.⁹¹ In theory, it extended immigrant policing power to doctors, nurses, police officers, educators, and other public servants to help identify and turn in “suspected illegal aliens” to the Immigration and Naturalization Services (INS).⁹² Former governor of California, Pete Wilson (R) was running for re-election at the time and was a strong proponent of the proposition and vigorously campaigned for passage up until election day. Passage of proposition 187 by 59 percent majority sparked a flurry of action contesting this decision.

Immediately following voter approval, various civil rights groups brought in court cases to freeze Proposition 187 and ultimately challenge its constitutionality. In December of 1994, there were eight lawsuits holding up its implementation.⁹³ Republicans in Congress however, were confident that in setting the state as an example, other states in the nation would follow suit and bring about their own similar versions of the new legislation. This was true for a few states

⁹⁰ It is important to note that even before Prop 187, with the exception of emergency medical services and K-12 education, undocumented immigrants were already prohibited from receiving public aid or social services.

⁹¹ Balin, Bryan J. 2008. “State Immigration Legislation and Immigrant Flows: An Analysis.” *The Johns Hopkins University School of Advanced International Studies*. Washington, DC. 21 March.

⁹² Rodriquez, Roberto. 1994. “California’s Prop 187 Places Colleges in a Bind: Students React with Nationwide Protests”. *Black Issues in Higher Education*. 11,20; 1 December.

⁹³ Guillen, Liz. “Undocumented Immigrant Students: A Very Brief Overview of Access to Higher Education in California”.

such as New York, Illinois, Arkansas and Colorado where legislation was introduced; while actual legislation was passed in Arizona, Virginia and Colorado (2004, 2005 and 2006 respectively).⁹⁴ Implementation of Proposition 187 would also overturned *Plyler v. Doe (1982)*, the Supreme Court decision which reaffirmed the right of undocumented students to receive free K-12 education.

Legal action stalled implementation of the proposition, as protests mounted all over the nation. Of note are the colleges and universities where actions and even boycotts took place. Major protests in California took place in San Diego, Los Angeles, San Jose and San Francisco. Even students on the east coast in schools such as Vassar, had demonstrations in response to Proposition 187. Such a wide network of response meant that the implications of such a piece of legislation would be felt all over the nation given that California is seen as a leader when it comes to national trends. Other educational responses fear that the system of reporting that is mandated in the measure, would be in violation of the Family Educational Rights and Privacy Act (FERPA). In doing so, schools would lose close to \$1 billion in federal money and students at public institutions might have become ineligible for financial aid.⁹⁵ Given many of the difficulties presented with the enforcement of the Bradford Decision, this measure would further discourage students from excelling academically.

The entire undocumented immigrant community would be negatively affected by the provisions in this bill. In support, protests were also staged by unions, community organizations and middle and high school students.⁹⁶ The breakdown of the voting pattern also adds insight into the plight of the American social image. Pagan in the article, "California's Prop 187 Places Colleges in a Bind: Students React with Nationwide Protests," suggests that "America is once again undergoing 'a crisis of existence,'" with people of color projected to become the majority in the future. The voting breakdown is as follows: 2/3 of whites voted for, 3/4 of Latinos voted against it and the majority of African Americans and Asian Americans rejected it. This reflects some form of solidarity within the minority populations of California as many fear that such a

⁹⁴ Balin, Bryan J. 2008. "State Immigration Legislation and Immigrant Flows: An Analysis." *The Johns Hopkins University School of Advanced International Studies*. Washington, DC. 21 March.

⁹⁵ Rodriguez, Roberto. 1994. "California's Prop 187 Places Colleges in a Bind: Students React with Nationwide Protests". *Black Issues in Higher Education*. 11,20; 1 December.

⁹⁶ Ibid.

piece of legislation would lead to more discrimination towards people of non-white/non-Anglo populations.⁹⁷

Fortunately for immigrant advocates, Proposition 187 spent years in litigation. In 1995, the court case *Lulac v. Wilson* overturned many of the provisions in the proposition. A halt was ordered by the courts and it finally came up for appeal in 1998.⁹⁸ The fate of Proposition 187 was finally settled with Governor Gray Davis dropping the state's appeal to the federal courts, thus voiding Proposition 187, five years after it was initially passed by California voters.⁹⁹ Such a win for the immigrant community does not mean the best things. Barriers to financing higher education, such as the Bradford Decision, were still in place and improvements and alleviation for undocumented students trying to access higher education in greater numbers would come later. At the moment, comprehensive immigration reform was on the agenda.

Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) (1996)

Fourteen years after the passage of *Plyler v. Doe (1982)*, Congress specifically addressed the notion of higher education for undocumented students in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. Section 505 reads:¹⁰⁰

“Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.”

In short, section 505 of IIRIRA is implementing a reciprocity clause stating that no undocumented student shall receive benefits unless a U.S. citizen or national is also eligible.¹⁰¹ IIRIRA goes a step further in what was already established with the Bradford decision.

Some see section 505 of IIRIRA as an infringement upon state's rights by imposing a federal mandate over state residency requirements, which is something typically left solely under

⁹⁷ Rodriquez, Roberto. 1994. “California’s Prop 187 Places Colleges in a Bind: Students React with Nationwide Protests”. *Black Issues in Higher Education*. 11,20; 1 December.

⁹⁸ Eig, Larry M. 1999. “California’s Proposition 187: A Brief Overview”. CRS Report for Congress. 15 September.

⁹⁹ Guillen, Liz. “Undocumented Immigrant Students: A Very Brief Overview of Access to Higher Education in California”.

¹⁰⁰ Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Public law 104-208. 104th Congress.

¹⁰¹ Oliverez, Paz M. et al. eds. 2006. “The College and Financial Aid Guide for AB540 Undocumented Immigrant Students.” *Center for Higher Education Policy Analysis*. University of southern California. October.

the jurisdiction of individual states.¹⁰² Since 2001, 10 states have passed in-state tuition legislation which is not in compliance with IIRIRA (California, Washington, Utah, New Mexico, Oklahoma, Nebraska, Kansas, Texas, Illinois and New York). These states reason that they are not violating federal law because they generally use graduation from a state high school as the main criteria for residency and the benefits are also available for U.S. citizens and nationals from other states.¹⁰³

Lack of complete compliance from these states is also an indicator that there is a lack of formal regulations for enforcement due to the open nature and varied interpretations that are open to confusion and debate.¹⁰⁴ Recently two high-profile court cases have been brought against the states of Kansas and California, which both offer in-state tuition to non-citizens. Under this argument, it is allegedly in violation of section 505 of IIRIRA. The law also stipulates that state must report immigrant status information on students who apply for financial aid, which is in accordance with the Higher Education Act of 1965.¹⁰⁵ There is yet to be a court case that has favored this argument, as the validity of states' in their power to make these decisions remains upheld.

This act had greater implications on the larger immigrant community as a whole. The set of laws included increases in the number of border agents patrolling the border, lowered the severity of a crime, on which is the basis of deportation or jail time, and increases the penalty fee of an undocumented immigrant seeking legalization after having lived in the U.S. for a number of years.¹⁰⁶ It also added a revision to the Immigration and Nationality Act which provides that the Secretary of U.S. Department of Homeland security can make agreements with states and local law enforcement to “perform immigration law enforcement functions”.¹⁰⁷ This set of new immigration laws came at a time when Republicans were the majority in Congress. Now that

¹⁰² Konet, Dawn. 2007. “Unauthorized Youths and Higher Education: The Ongoing Debate”. *Migration Information Source*. Migration Policy Institute. 11 September.

¹⁰³ Ibid.

¹⁰⁴ Russell, Alene. 2007. “In-State Tuition for Undocumented Immigrants: States’ Rights and Educational Opportunity”. *A Higher Education Policy Brief*. American Association of State Colleges and Universities. August.

¹⁰⁵ Biswas, Radha Roy. 2005. Access to Community College for Undocumented Immigrants: A Guide for State Policymakers. *Achieving the Dream: Community Colleges Count*. January.

¹⁰⁶ IIRIRA 1996. A Summary of the New Immigration Bill. < <http://www.visalaw.com/96nov/3nov96.html>>.

¹⁰⁷ U.S. Immigration and Customs Enforcement. 2006. *Fact Sheet: Section 287 (g) Immigration and Nationality Act*. 16 August.

Democrats are in the majority, there may be some positive changes to come in the future for immigrants.

Texas HB 1403: Paving the way for In-State Tuition (2001)

Texas led the way in providing in-state tuition for undocumented students. With Texas having the second largest undocumented immigrant population in the nation, 14 percent,¹⁰⁸ House Bill 1403 would have far reaching consequences. Governor Rick Perry signed the bill into law on May 21, 2001 with overwhelming support in the house (142 Yeas and 1 nay) and also in the senate (30 Yeas, 0 Nays).¹⁰⁹ The basic summary of the law stated:

“To qualify, the student must have lived in the state for at least three years before graduating from a Texas high school or receiving a high school equivalency diploma in Texas. The student also must have lived for at least part of that time with a parent or legal guardian and could not have an established residence outside of Texas. In addition, such students were required to sign an affidavit stating that they would apply for permanent residency as soon as they are eligible to do so.”

The state law was revisited in 2006 and was replaced with SB 1528, which provided uniform residency requirements for all students, regardless of status. It now entitled anyone to residency in Texas who lived in state for three years prior to graduating from high school or receiving the diploma equivalent, while also having lived in Texas for one year before enrolling in college.¹¹⁰

California AB 540: Providing In-State Tuition for Undocumented Immigrants (2001)

AB 540, authored by the late Marco A. Firebaugh,¹¹¹ is the culmination of years of changes to immigration legislation surrounding access to education. This California law followed the example of Texas, the first state to implement such a statute: providing in-state tuition to students that would otherwise meet out-of-state requirements. The first version of the bill Firebaugh introduced in 2000 was vetoed by former Governor Gray Davis (D). In a second attempt to pass the same legislation in 2001, Firebaugh re-introduced the legislation and it again

¹⁰⁸ Passel, Jeffrey. 2005. *Estimates of the Size and Characteristics of the Undocumented Population*. Washington, DC: Pew Hispanic Center.

¹⁰⁹ Texas HR 1403. 2001.

¹¹⁰ Window on State Government. 2006. Undocumented Immigrants in Texas. December. <<http://www.window.state.tx.us/>>.

¹¹¹ Madera, Gabriela et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. UCLA Center for Labor Research and Education. November.

passed the California assembly, finally gaining approval from Davis in order to gain more support from the Latino population during the recall election.

In California, the law took effect in the CCC, UC and CSU, the three public school systems for higher education. The first version of the bill introduced into the state assembly included provisions that attempted to revive the Leticia A. court ruling by not only offering in-state tuition, but also access to state financial aid.¹¹² Through several revisions and committee hearings, eight months later, the final version of the bill included:

1. A student must have attended a California high school for three or more years.
2. A student must have graduated from a California high school or received an equivalent (e.g. General Education Diploma, GED).
3. A student must be registered to attend an accredited institution of higher education in California.
4. An undocumented student must sign an AB 540 affidavit affirming intent to naturalize as soon as it becomes possible for the student.¹¹³

AB 540 officially became law on October 11, 2001 when Governor Gray Davis signed the Bill.

The bill came about and served many purposes that seemed pertinent in the eyes of the legislators. The enactment of this bill acknowledges the fact that many undocumented students have spent their whole lives in the California educational system but are precluded from pursuing higher education mainly due to cost barriers, especially if being charged out-of-state tuition. AB 540 also helped weaken and eliminate other barriers to obtaining higher education such as the changes with the Bradford decision and ineligibility to establish California residency for these purposes, and also the clause in section 505 of IIRIRA which does not allow states to offer benefits to noncitizens unless they are reciprocated for citizens and nationals.¹¹⁴ The law immediately took effect in the CCC and CSU systems and became provisional for the UC in January 2002 until fully implemented by the UC Regents in April 2002.

Ten states have already adopted similar legislation to increase accessibility to public education for undocumented students that meet specific criteria. These states include: Washington, Nebraska, Oklahoma, Texas, Kansas, Illinois, New York, Utah and New Mexico.

¹¹² Biswas, Radha Roy. 2005. Access to Community College for Undocumented Immigrants: A Guide for State Policymakers. Achieving the Dream: Community Colleges Count. January.

¹¹³ Assembly Bill 540. 2001. Chaptered Bill Text. <<http://www.leginfo.ca.gov>>

¹¹⁴ University of California Office of the President. 2006. "AB 540 Tuition Exemption Recipients: Academic Year 2005-2006." *UCOP Student Financial Support*. 21 November.

Much opposition has already been generated due to arguments about “fairness”, that if an undocumented resident can get in-state tuition, then an out-of-state citizen should be able to receive those same benefits. These arguments have been addressed in part through the periodic AB 540 reports created by the UC Regents that tracks the number of AB 540 applicants they receive every academic year. Estimates have shown and confirmed that the majority of the total of 1,639 AB 540 recipients in the UC system in the 2006-2007 academic year, a majority (1,184) are documented students.¹¹⁵ In this sense, AB 540 is in compliance with section 505 of IIRIRA (1996); however most of the advocacy, support cases and arguments for keeping and expanding the legislation has more to do with undocumented students. In order to increase the number of undocumented students that apply and receive AB 540 tuition breaks, there needs to be more awareness; coupled with the fact that even though many undocumented students do receive in-state tuition breaks, they may still not be able to afford to attend a UC or CSU and rely on community college as an immediately viable option.

Other arguments are concerned with finances; lowering the amount that these students pay would decrease the amount of revenue that colleges and universities would receive. States that have enacted the law have not seen a rapid increase in the number of students that apply. More concerns arise over the fact that an undocumented student may take the spot of a documented student. Research has concluded that instead of decreasing revenues, it would actually raise the percentage of students that graduate from High School and seek to pursue a college degree. It’s also been shown that states have not seen a rush in undocumented students to apply for college—in conjunction with the fact that many of these students would not be able to afford these in-state tuition rates anyway because they do not qualify for state financial aid. (It is to be acknowledged here that in light of the current economic downturn of the U.S., this may play a significant factor in the number of students able to go on and afford college.) It is yet to be seen in this report the recent effects from AB 540, such as the number of applicants for AB 540 tuition exemption, and whether in the future, it may compliment more attempts at implementing legislation that deals with conditional residency, such as the DREAM Act.

¹¹⁵ University of California Office of the President. 2006. “AB 540 Tuition Exemption Recipients: Academic Year 2005-2006.” *UCOP Student Financial Support*. 21 November.

The DREAM Act: 2001 to present

In 2001 senators Hatch (R-UT) and Durbin (D-IL) introduced Senate Bill 1291, the Student Adjustment Bill, Development, Relief and Education for Alien Minors Act (DREAM Act). This bill, with bipartisan support, sought to reinstitute the power of states to determine residency for purposes of in-state tuition and other higher education benefits; powers that were previously revoked under section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The main purpose of this bill, still present in its later versions that were subsequently introduced, is to:

“to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long-term United States residents.”¹¹⁶

Provisions of this version of the bill include:¹¹⁷

- (a) An immigrant must be at least 12 years old on the date of enactment of the bill and must be under 21 years old when applying for relief. This includes that the immigrant lived in the US for at least 5 years prior to the date of enactment.
- (b) The immigrant youth must have earned a high school degree by the time he/she applies for relief. Those that have graduated from high school in the past 4 years and are currently enrolled in college are also eligible.
- (c) All applicants must demonstrate good moral character and have no criminal record.

This early version of the bill did not gain enough momentum to pass Congress. However, it generated a series of reports by immigrant advocates who positively responded to the introduction of the DREAM Act.

In July 2003, the DREAM Act debuted again on the Senate floor in the 108th congress, this time as Senate Bill 1545 co-sponsored by Hatch (R-UT) and Durbin (D-IL). Two new options to determine qualification for conditional residency were added along with the former provisions:¹¹⁸

- (a) The completion of 910 hours of volunteer community service.

¹¹⁶ Thomas (Library of Congress). 2001. U.S. Govt. 1 August. <<http://thomas.loc.gov>>

¹¹⁷ Ibid.

¹¹⁸ Thomas (Library of Congress). 2003. U.S. Govt. 31 July. <<http://thomas.loc.gov>>

(b) The completion of two years of service in the armed forces.

Once again the bill carried bipartisan support in the Senate with a total of 47 co-sponsors, but sparked dissenting opinions from the ground such as immigrant advocacy organizations and individuals, many of whom started to withdraw their support early on. One organization, Draft Notices, warned of the dangers of passing the DREAM Act with the provision requiring fulfillment of service in the armed forces. They cite that the “Pentagon has stated publicly its goal of doubling the number of Latinos and Latinas in the armed forces by 2007”.¹¹⁹ Their connection to the DREAM Act is drawing from the fact that the U.S. has a large immigrant population that is largely Latino. The bill remained largely similar in its goals to its predecessor in 2001. Other less impactful or incendiary changes included raising the minimum age to 16 for an immigrant youth to have entered the country. The bill passed the Senate Judiciary committee with 16-3 approval, yet still failed to come up for a vote in the Senate.

Senators Durbin (D-IL), Hagel (R-NE) and Lugar (R-IN) introduced Senate Bill 2075 on November 18, 2005, another attempt at re-introducing the DREAM Act with further changes. The new bill removed the provision to satisfy requirements for conditional residency with 910 hours of community service. At the same time it was introduced in the House as the American Dream Act. Students that qualify are given a window period of 6 years under conditional residency to meet these requirements. The timing of the introduction of the DREAM Act followed the further politicization of immigrant issues. Advocates contended that the DREAM Act as proposed legislation should be “considered on its own merits” in order to have the biggest impact on undocumented youth and the general educational aspirations of the undocumented population.¹²⁰

The DREAM Act finally came to a vote under Senate Bill 2205 when introduced in the Senate on October 18, 2007. It was the first time that the DREAM Act came up to vote as a stand alone bill. This version of the bill included new additions such as:¹²¹

- (a) Students cannot have been absent for more than 365 days during their conditional residency.
- (b) The student has not reached the age of 30 on the date of enactment of this bill.

¹¹⁹ Mariscal, Jorge. 2004. “The Interpretation of Dreams: Covert Recruitment Strategies in the DREAM Act”. *Draft Notices*. November-December. <<http://www.comdsd.org>>.

¹²⁰ Bernstein, Josh. 2005. “DREAM Act Reintroduced in Senate”. National Immigration Law Center. 21 November.

¹²¹ Senate Bill 2205. 2007. 110th Congress. 19 October.

The bill gained majority support, 52 ayes (38 Democrat, 12 Republican, 2 Other) and 44 Nays (36 Republican, 8 Democrat), but failed to garner a majority of 60 votes required to move to the House without a filibuster. With previous versions of the DREAM Act already seeing waning support, this new version sent mixed signals to many proponents of the bill. Immigrant advocates claim that the bill has gone through so many changes that the original intentions to provide relief for a population of undocumented youth had been lost.

The most recent introductions of the DREAM Act was incorporated into the Comprehensive Immigration Reform Acts of 2006 and 2007, but failed to move past committee in the House and the Senate. In 2007 other versions of the DREAM bill were included in comprehensive immigration reform packages such as Senate Bill 1639: Unaccompanied Alien Child Protection Act; HR 1221: Education Access for Rightful Noncitizens (EARN) Act; and HR 1645: Security Through Regularized Immigration and a Vibrant Economy (STRIVE) Act. With almost 8 years of attempts at passage of the legislation, many believe that the proposal is at a standstill. The time that is not being used to push an actual bill in Congress is being used to re-evaluate the current President's stance and prioritization in relation to immigrant issues. The DREAM Act has been a unique bill and unfortunately has shown that in order to get it to pass, it might need to be included in a must-pass immigration bill.¹²²

Opponents to this act cite the unfairness in rewarding people that have entered the country illegally. Many also claim that it would encourage more illegal immigration and put a strain on national security. Rather, proponents say that it is helping children that migrated here at a very young age and who identify primarily as American by having grown up in the U.S. almost their entire lives. In fact, we would be harvesting a future tax base to tap into and cutting down on public health and welfare costs.¹²³ One cost of implementing this act is to create more competitiveness for admission to college as more qualified applicants would be able to obtain access to higher education. Studies done by the Migration Policy Institute show that in passing the DREAM Act, it would affect 715,000 youth aged 5 to 17 and 360,000 high school graduates aged 18 to 24 for eligibility to conditional status.¹²⁴ Opponents cite that the residual effect of

¹²² Russell, Alene. 2007. "In-State Tuition for Undocumented Immigrants: States' Rights and Educational Opportunity". *A Higher Education Policy Brief*. American Association of State Colleges and Universities. August.

¹²³ National Immigration Law Center. 2006. "DREAM Act Summary". April.

¹²⁴ Konet, Dawn. 2007. "Unauthorized Youths and Higher Education: The Ongoing Debate". *Migration Information Source*. Migration Policy Institute. 11 September.

increased competition may put an added strain on funding and education of documented students in public institutions: public benefits should not be granted to those that violate the law.¹²⁵ The Heritage Foundation argues that “the DREAM Act makes it absurdly easy for just about any illegal alien—even one who does not qualify for the amnesty—to evade the law.”¹²⁶ Investing more in access to higher education will create more labor for the demands of the high tech market which the U.S. currently lacks in.

The future of the DREAM Act is uncertain as some believe that the only path to passage is through comprehensive immigration reform. With a Democratic president, Barack Obama, and a Democratic majority in Congress, it may be possible to see some attempt at passing comprehensive immigration reform legislation in the relatively near future. One of the obstacles that may have to be overcome is the failing economy, which is overshadowing much of the momentum that has been built up over the years for such a law to pass.

The California Dream Act (2005)

California is the trendsetter of the U.S. and when it comes to immigration reform, it could mean big things. Senator Gil Cedillo of the 22nd district¹²⁷ historically has been a champion of immigrant rights, an example being his various attempts at passing a law that would allow undocumented immigrants to obtain a driver’s license. Currently he has shifted his focus to the undocumented student population with the introduction of the California Development, Relief and Education for Alien Minors Act (California DREAM Act). While it does not include precisely the same provisions as the federal DREAM Act, it incorporates the same principles in trying to increase access to postsecondary education for qualified youth.

Introduced as Senate Bill 160 in 2005, Senate Bill 1 in 2006 and Senate Bill 1301 in 2008; each new version of the bill changed in response to the governor’s reasoning for his veto. The latest version of the California DREAM Act, Senate Bill 1301 “would allow AB 540 students to compete for institutional aid administered by attending college or university (i.e. State University Grant, UC Grant, scholarships, work study and loan programs)”¹²⁸

¹²⁵ Konet, Dawn. 2007. “Unauthorized Youths and Higher Education: The Ongoing Debate”. *Migration Information Source*. Migration Policy Institute. 11 September.

¹²⁶ Kobach, Kris W. 2006. *The Senate Immigration Bill Rewards Lawbreaking: Why the DREAM Act is a Nightmare*. Washington, DC: Heritage Foundation, 14 August.

¹²⁷ Area with one of the largest immigrant populations both documented and undocumented.

¹²⁸ Cedillo, Gilbert A. “California Dream Act – SB 1 (Cedillo): Fact Sheet.” Senate California Legislature.

The bill attempted to establish state financial aid for qualifying undocumented AB 540 students that are attending school at any of the three public entities in California for higher education. It would come in the form of grants, scholarships, work study and loan programs. Financial aid, as defined here, would not cover the Board of Governors fee waiver, which relieves the recipient of enrollment fees for California community colleges.¹²⁹ Previous bills have included the Board of Governors fee waiver and language that excludes participation from the Cal Grant program or any other types of competitive financial aid. Senate bill 1 also clarified that aid was to be given to those qualified AB 540 students that showed financial need.¹³⁰

Some say that implementation of such a bill would impact the lives of the approximately 25,000 undocumented students that graduate California high schools every year by opening new doors and broadening the scope of opportunities.¹³¹ The California DREAM Act is an example of the state taking the initiative to start immigration reform in a relatively small scale setting; yet it would have large implications in the state of California, home to one of the largest immigrant populations in the nation.¹³² This new legislation would be in response to AB 540 and it would fill the gaps that still leave many students behind who are unable to afford college. Proponents of the bill clarify that it is not intended to give undocumented students an advantage.¹³³ Previous versions of the California DREAM Act have cited this need, stating that in order to raise state productivity and economic growth, opportunities need to be given to all students. The program is to hopefully encourage all qualified high school graduates to pursue higher education.

To date, none of the versions of the bill have been signed into law. Governor Arnold Schwarzenegger reasons that in precarious economic times, it would not be wise to stretch limited funding for education to include those that by law are not legally eligible.¹³⁴ His latest veto returned the message:

¹²⁹ California Senate Bill 1301. 2008.

¹³⁰ Cedillo, Gilbert A. "California Dream Act – SB 1 (Cedillo): Fact Sheet." Senate California Legislature.

¹³¹ Ferriss, Susan. 2008. "Legislators Revisit Immigration Bill for Students". The Sacramento Bee. 14 April.

¹³² Passel, Jeffrey S. 2005. Estimates of the Size and Characteristics of the Undocumented Population. Washington, DC: Pew Hispanic Center.

¹³³ California Senate Bill 1. 2006.

¹³⁴ Ferriss, Susan. 2008. "Legislators Revisit Immigration Bill for Students". The Sacramento Bee. 14 April.

“I am returning Senate Bill 1301 without my signature.

I share the author’s dream of making affordable education available to all California students, but given the precarious fiscal condition the state faces at this time, it would not be prudent to place additional demands on our limited financial resources as specified in this bill.”¹³⁵

Many also want to see the federal DREAM Act pass first to incentivize their reason to give out more aid, however it is yet to be seen if a push from California with the passage of the California DREAM Act will place federal legislation in the spotlight. The California DREAM Act shifts the argument from schools determining immigration law to now states handling it themselves. The fact that versions of this bill have been passed, only to be vetoed by the governor, shows the awareness of a need for relief for these students that are performing remarkable feats in continuing their education.

¹³⁵ California Senate Bill 1301. 2008.

CHAPTER 3.

CASE STUDIES OF INSTITUTIONS OF HIGHER EDUCATION

High school consists of the last four years of educational “amnesty” that undocumented students receive; and where under U.S. law their rights to education end. The word “rights” here is used to mean that they no longer qualify for any educational benefits that a resident of their state would receive such as in-state tuition or scholarships and are even barred from pursuing majors that require licensing. High school for many is the preparatory phase and for others becomes a challenging time where they may have first learned about their undocumented status and what that means for them in relation to pursuing a college education.

Wise up, a program founded and run by high school students with support from the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) circa 2001, started doing outreach in local high schools to inform students and faculty about options for undocumented students after they receive their diploma. Byron, an immigrant advocate, reveals through his work with Wise Up how he learned that many of the students that were part of the core beginnings of the organization were actually students who were told by their counselors that they could not go to college because of their status. They were ill-advised about the SAT’s and given the overcrowding in schools, he also explains that students were lucky if they got to see a counselor.¹³⁶ A similar viewpoint has been reflected in conversation with actual high school counselors and the notion that they are misinformed has been reaffirmed.

Michael Parker, a counselor at Belmont High School, is passionate about these issues and in general of underrepresented high school students. In his work, he encounters many undocumented students, but explains that students do not usually confess to him. Rather, as a natural progression in a conversation, Parker may ask them clarification questions such as, where were they born? However, he recognizes that many more of these types of cases arise in the College Center on campus. Parker realizes this is a prevalent issue especially in his school which is situated in a highly immigrant area. Along with that, he points to other high schools in the area that are also highly immigrant: Fremont HS, Santee HS, Manual Arts HS and Jefferson HS. He acknowledges the fact that he is not the best informed, but that he and a few of his colleagues are going to a training session soon on AB 540. Regardless of their status, Parker points to a larger

¹³⁶ Byron. 2009. Interview. Los Angeles, CA. 6 February.

issue of extreme discouragement which coincides with high rates of teen pregnancy and the prevalence of gangs in LAUSD, specifically in high immigrant areas.¹³⁷

A similar conversation with John Kim, a college counselor at Belmont HS adds more insight to the issue of undocumented student transitioning from high school to college. Kim estimates that there may be around 40,000 undocumented students in the LAUSD K-12 education system and approximately 20,000 undocumented students in the California higher education system (with most attending California Community Colleges).¹³⁸ Because Kim recognizes many of the difficulties that lie ahead for many undocumented students, he becomes consciously aware to reach out to this population of students to mentor them and lay out their options. Kim pulls from many different resources ranging from the MALDEF guide, which outlines a vast array of scholarships available, including one that Belmont awards, working with local college student groups from local colleges and universities and keeping himself informed about the issues by attending various training sessions. John Kim expresses his sympathy for these students based on the various challenges that he feels lie ahead: (1) “overcoming fear, anxiety and stigma that comes with being an undocumented student in the United States”; (2) financial aspects of affording college; (3) time-management since many students have to work extended hours in order to pay for their college education; and finally (4) “their stories are inspirational but also sad when I think of what the tremendous barriers they face without the assurance of having a job once they graduate from college. This entails another challenge, and perhaps biggest obstacle, in that there is no guarantee that all of their hard work to earn an associate or bachelors degree will amount to a decent-paying job or career.”¹³⁹ Despite all of this, Kim has seen an increase in the number of students applying to go to college after they graduate. Albeit community colleges, this is still an improvement considering the low rates of entrance into higher education from the general school population.

This research is not meant to “blame the victim,” nor victimize any of the students that are undocumented. It would be far from the truth to label them as such seeing as how so many are “beating the odds” and successfully graduating from high school as valedictorians and gaining admission to some of the most prestigious colleges in the nation. Over the past few years, various student organizations have formed in response to AB 540 and the DREAM Act.

¹³⁷ Parker, Michael. 2009. Interview. Los Angeles, CA. 4 April.

¹³⁸ Kim, John. 2009. Interview. Los Angeles, CA. 28 April.

¹³⁹ Ibid.

Increasing awareness has strengthened the validity of scholarship programs that some schools may offer and prompted others to form financial aid packages for students that would otherwise not receive any state or federal aid. The following represent case studies from the southern California region covering private institutions, public institutions, student groups and stories from undocumented students in college to analyze how institutions of higher education have responded to increased awareness and changes in public policy in regards to undocumented students in higher education.

“I think now that young people understand the power they potentially can have (in terms of voting power), more and more changes will be made in the near future in regards to undocumented students. These young people are our friends, classmates, colleagues, and even family members so the more that we know them, the more the issues of their undocumented status hurts all of us.”¹⁴⁰

Private Institutions

The following private institutions were profiled through the snowball sampling of the research and through personal connections with the home institution. These schools are an important component to tracking responses to immigration legislation and increased awareness because of their ability to provide scholarships and different financial opportunities. Occidental College offers scholarships that cover demonstrated need and California Lutheran University helps subsidize the cost of tuition; both have taken big strides in helping breakdown barriers for undocumented students in higher education. Of significance are two other schools that were contacted with unsuccessful results for an interview. At Loyola Marymount University, a representative from the office of admissions expressly communicated that they felt uncomfortable speaking about the issue on the phone. Several attempts were made to contact the University of Southern California with no success. This is a very sensitive topic that is high confidential.

Occidental College

Occidental College (Oxy) is dedicated to promoting diversity in many aspects. According to the school’s mission “equity [...] entails welcoming the presence of all forms of diversity into

¹⁴⁰ Kim, John. 2009. Interview. Los Angeles, CA. 28 April.

the pursuit of excellence.”¹⁴¹ Equity is one of the four cornerstones of the college’s deeply embedded focus on social justice. As the home institution for this study, more resources were available to establish contacts. A sit down interview with Maureen McRae, Director of Financial Aid and a simultaneous phone interview with Bill Tingley, Vice President for Admissions and Financial Aid, provided a detailed insight into the work that Oxy has done to enroll undocumented students over the past few years.

There was already a program in place for undocumented students when Tingley and McRae both arrived roughly twelve years ago. The scholarship for undocumented students was already in place from the John Brooks Slaughter administration, which spanned from 1988 to 1999. Every academic year, two students are selected from the pool of identified undocumented student applicants to receive the scholarship, which covers their full demonstrated need through private funds.¹⁴² In theory, this means that after four years, there are a total of eight undocumented students on campus. Like other private schools, Oxy has the ability to provide such opportunities because they do not depend solely on state or federal aid. However, the cost is not easy. McRae puts it into context:¹⁴³ there are 1850 students enrolled; 79% of students go to the financial aid office. About 48% of the students receive need-based financial aid which translates to \$39,885,354 in the form of loans and grants with approximately \$30 million in grants and scholarships. Oxy provides a supplemental amount of \$24,171,162 from its own general budget funds.¹⁴⁴ This is crucial because much of the money that Occidental depends on is precariously balanced between tuition and the endowment of the college.¹⁴⁵ Although the effects of the recent economic downturn have not immediately altered the college in any drastic way, measures and changes are being enforced to prevent a major financial crisis. Maureen explains further that the average student brings along \$18,000 from state and federal aid, thus lessening the gap that Occidental needs to fill.

The cost of attending Occidental includes \$37,970 in tuition for the 2008-2009 school year.¹⁴⁶ The full cost of attendance according to the financial aid website is \$52,960.¹⁴⁷ Covering

¹⁴¹ Occidental College Mission Statement. 22 Mar 2009. <<http://www.oxy.edu/x2990.xml>>.

¹⁴² McRae, Maureen and Bill Tingley. 2009. Interview. Los Angeles, CA. 10 February.

¹⁴³ Ibid.

¹⁴⁴ Numbers based off of 2008-2009 estimates.

¹⁴⁵ Letter from President Robert Skotheim and the Board of Trustees to Occidental College. 2009. 3 March.

¹⁴⁶ Occidental College Cost of Attendance. 23 Mar 2009. <<http://www.oxy.edu/x5046.xml>>

¹⁴⁷ Full cost of attendance includes tuition, room and board, required fees, books and supplies, local transportation and misc. personal expenses.

the full demonstrated need of these students with Oxy's scholarship, McRae explains, is difficult and although she wishes more could be done, plans to expand the program are not in the works. Every year, about 60-70 undocumented students apply for admission, and as more students learn about the opportunity, the more competitive it becomes and it ultimately changes the profile of undocumented students that attend Occidental. Tingley recognizes this and says that the college intentionally keeps information about the scholarships through word of mouth with high school counselors and then to students. Increasing awareness of these types of opportunities inherently make it more difficult and competitive to get accepted into Oxy as an undocumented student. For example, in the 2008-2009 academic school year, the college received 5,790 applications for first year admission and offered admission to 39% of applicants. In comparison where 60-70 applications are identified as undocumented and only two are given the scholarship; that is a 4-5 percent admit rate. This shows that the bar is raised much higher for this group of students in a process that is separately more rigorous. Tingley also alludes to the fact that there are organizations that may not approve of the type of aid that Occidental is providing and would he like the institution to continue to do so without outside opposition.¹⁴⁸

Occidental is lucky to have a leading expert in the field on staff, Maureen McRae. A lot of the work she does is related to immigrant matters in higher education on the side of financial aid. Some of the cases that she has encountered are when parents are undocumented and students are born here. It makes it more difficult to receive aid because their parents cannot turn in tax documentation. However, there are ways to work around this. Occidental is supportive in treating all students equally and in those attempts, fostering a diverse campus. It shows through the work of McRae and others that are out there publicly advocating for undocumented students to attend college and sharing knowledge of where the resources are to pay for their tuition.

One area that has not received the same amount of attention is the application itself. Just as the AB 540 affidavit may be confusing in public schools, knowing which box to check or not to check can present a problem and instill fear in the applicant about sharing information. The application process for first-years applying to Occidental identifies sections as optional; i.e. social security number and place of birth. (see Appendix A.1) A former undocumented Oxy student shares her experience being put on the email list for all of the international student

¹⁴⁸ McRae, Maureen and Bill Tingley. 2009. Interview. Los Angeles, CA. 10 February.

events.¹⁴⁹ Without a protocol, many students can be misguided and in the case of Occidental, since there is no formal or informal group on campus to support these students, undocumented students have to be independent in making sure they have all the necessary documentation and take the right steps to earn their degree at the end of four years. Many times this can be hard because they are first-generation college students as well.

Of note are the changes in the demographics at Oxy after John Brooks Slaughter became president in 1988.¹⁵⁰ There is no exact date given as to when the scholarship for undocumented students began,¹⁵¹ however, historically speaking there has been some momentum in the 1980's with *Plyler v. Doe* and *Leticia A. v. UC Regents and CSU Board of Trustees*, which alludes to a time that may have fostered the implementation the scholarship. Both of these cases had major impacts in accessibility to education for undocumented immigrants. The repercussions and changes show where Occidental saw a significant shift in the percent of students of color (SOC) and under-represented (UR) enrolled (see Appendix A.2). The highest recorded year of enrollment of students of color since 1992 was in 1994, which also happens to be the smallest first-year class size in the past fifteen years. The highest recorded year of enrollment of underrepresented students was the year before in 1993, also one of the smallest class sizes in the past fifteen years. (see Appendix A.3) Since the implementation of AB 540 in 2001, the same year that the DREAM Act was introduced into congress, Occidental saw a slight decline in the number of students of color and under-represented enrolled, however incoming class sizes have significantly passed the general first-year target of total undergraduate enrollment. This follows with the notion that Occidental is partly a tuition based school. They have kept the scholarship but have been enrolling more students that can pay tuition out-of-pocket to increase available funds. This has been a detriment to the diversity of the campus as applications have risen 218% in the past ten years¹⁵² and diversity has gone down.

Occidental has been in the position to make significant change for many years and great strides and has shown steady support through their scholarships for undocumented students. However, recently they have not been in the position to take a step further even with immigrant advocates on staff such as McRae. If any change were to occur, it would come through the senior

¹⁴⁹ Castro, Roxana. 2009. Interview. Los Angeles, CA. 10 February.

¹⁵⁰ Using available data from 1992 to 2008.

¹⁵¹ Much of this has to do with the fact that once undocumented students receive the scholarship money, their package is handled like any other financial aid package. Records are purged from the systems.

¹⁵² McRae, Maureen and Bill Tingley. 2009. Interview. Los Angeles, CA. 10 February.

administration as seen by the recent move to mandate all students up to their third year to live on campus. Occidental will continue its efforts but it is not in a place to make a move until national policies are adapted that allow for that change.

California Lutheran University

California Lutheran University (Cal Lu) offers a progressive perspective in admitting and reaching out to undocumented students. According to Dane Rowley, the Senior Assistant Director of Admissions and International Recruitment, much of the momentum to admit and attract more applications from international and undocumented students started circa 2004 with a policy established in 2005.¹⁵³ Matthew Ward, the new dean of admissions at the time, provided the necessary spark to move this idea forward with his passion on the issue. This type of change falls in step with the mission of the college. As stated on their website, “We [Cal Lu] firmly believe our culture is greatly enhanced when individuals of diverse backgrounds and experiences become part of the University family.”¹⁵⁴ There are numerous items on the college’s website dedicated to promoting the advancement of diversity and multiculturalism on their campus. To an undocumented student researching this university, this type of language and attitude can create a level of comfort in the application process.

As a small private university,¹⁵⁵ Cal Lu has the ability to distribute financial aid as they see fit since they do not rely entirely on state or federal aid. With this opportunity, the 2005 decision resulted in a need-based grant designed to help middle income international students afford college. Cal Lu, already offering financial aid to non-U.S. citizens through this new grant, decided to expand their coverage to AB 540 students. Rowley further advocates this move emphasizing that, “there is nothing wrong, these students [are] admissible but the majority required need based assistance.”¹⁵⁶ Any undocumented student can legally attend college in the state of California; however many lack the access and tools to do so and financing their education is a big problem for many.

¹⁵³ Rowley, Dane. 2009. Interview. Los Angeles, CA. 25 February.

¹⁵⁴ California Lutheran University Commitment to Diversity. 20 Mar 2009.
<http://www.callutheran.edu/about/campus_diversity.php>.

¹⁵⁵ Current enrollment for the 2008-2009 school year is 3,499 with 2,196 undergraduates.

¹⁵⁶ Rowley, Dane. 2009. Interview. Los Angeles, CA. 25 February.

The cost of tuition at Cal Lu for the 2008-2009 school year is \$27,600.¹⁵⁷ In order to receive grant money to help pay tuition, students must submit an in-house financial aid form (see Appendix B.1). The form is easily accessible through the financial aid website. In addition, students are required to fill out an AB 540 affidavit. Rowley acknowledges that the rules of in-state tuition do not apply at Cal Lu, however they would like students receiving the grant money to fulfill the same requirements:¹⁵⁸

1. High school attendance in California for three or more years.
2. Graduation from a California high school or the attainment of an equivalent thereof.
3. Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year.
4. In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

Upon approval, a student is granted \$7000 and up to \$8000 for exceptional cases. Without any other aid, a student is still responsible for approximately 75 percent of tuition. The award is renewable for up to four years and the first incoming class to receive the award was Fall 2007. Both first-years and transfers are eligible with about 4-5 grants each year.

The four-year policy however does not address the bigger issue that despite the award amount, many students still cannot afford to pay the remaining balance. Considering that many students have already dropped out of high school once informed about their status and the difficulties that lie ahead, those that continue forward are making extraordinary strides to do so.¹⁵⁹ In order to pay for their education, students have to work¹⁶⁰ and still handle their academic responsibilities. Many students take longer than four years to complete their bachelor's degree. Most of this is supplemented by any previous years they may have spent going to community

¹⁵⁷ California Lutheran University Undergraduate Tuition and Fees. 20 Mar 2009.<http://www.callutheran.edu/financial_aid/undergraduate/>.

¹⁵⁸ California Education Code. 22 Mar 2009.<<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=68001-69000&file=68130-68134>>.

¹⁵⁹ Abrego, Leisy Janet. 2006. "I can't go to College Because I Don't Have Papers". *Latino Studies*. 4, pp. 212-231.

¹⁶⁰ Undocumented students cannot obtain a job legally and must go through the underground economy to do so if they are able to obtain a job.

college due to affordability.¹⁶¹ Rowley acknowledges this and points to one student who has raised money for college through his local congregation in Glendale. Rowley has come across a number of cases like this as he has started to work more closely with undocumented students. He refers to the in-house financial aid form being one of the reasons that he has come into contact and worked with more students that are undocumented.

Cal Lu is helping out a small number in the larger population of undocumented students, but their work does not stop there. They work with local community colleges such as Moorpark, Ventura and LA County colleges as well as local high schools. Through word of mouth, more high school counselors are becoming aware of the grant opportunities at Cal Lu available for 4-5 students. Through the general recruitment process, their goal is to make sure that students know their doors are open. Cal Lu has received positive feedback from local high schools and non-profit immigrant rights advocacy organizations such as MALDEF. However, in order to continue to give aid, Cal Lu has remained quiet on this subject for two reasons: to protect the students and to continue the grant. Rowley mentions that there are some dissenting opinions on campus but not a collective voice. He believes that most opposition would come from conservative think tanks if the university were to be very public about their opportunities. Decisions to make any changes in admissions protocol go through the cabinet and the dean of admissions¹⁶².

Rowley has noticed positive changes on Cal Lu's campus. He attributes much of this to the positive nature of undocumented students. He recalls the situation of another student that didn't want to leave home in order to keep supporting their family. This student has had a positive impact on those around them and Rowley has also seen the demeanor of the student change; they are less afraid and worried.¹⁶³ Abrego in her article, "I Can't Go To College Because I Don't Have Papers" refers to this as "transformative potential."¹⁶⁴ A great deal of change has also happened to those that have recently become more involved in the issue. Rowley is a prime example. It wasn't until recently that he encountered the issue of undocumented students accessing higher education. He recognizes the Catch-22 inherent in AB 540 and that schools should be doing more to help this population. Rowley hopes to start a counseling staff at Cal Lu in the near future. "I think, over time, schools will have a big impact. Schools should do

¹⁶¹ Abrego, Leisy Janet. 2006. "I can't go to College Because I Don't Have Papers". *Latino Studies*. 4, pp. 212-231.

¹⁶² Rowley, Dane. 2009. Interview. Los Angeles, CA. 25 February.

¹⁶³ Ibid.

¹⁶⁴ Abrego, Leisy Janet. 2006. "I can't go to College Because I Don't Have Papers". *Latino Studies*. 4, pp. 212-231.

more.”¹⁶⁵ Rowley sees the talent and potential that these students have and does not want to see their talent go to waste.

A quick profile of the University shows great strides being made in response to changes in legislation and a potential to be receptive to the DREAM Act if it passes. Although private schools such as Cal Lu are much more expensive, the financial opportunities are more accessible. With this new grant, Rowley has not seen a significant increase in the number of undocumented applicants. Any change may have to do with the in-house financial aid form. The program is also only in its second year. As seen in Appendix B.2, the number of underrepresented students has stayed close to 30% of the total first-year undergraduate population. From 2007 to 2008, the only three ethnicities that have seen an increase are Asian/Pacific Islander, American Indian/Alaskan and Multiracial. Total undergraduate diversity has remained around 30% as well. The data support what Rowley is seeing on the admissions side as no significant changes have occurred. It is too early to see the effects of the grant will be and what changes are to come to Cal Lu in light of this move.

Public Institutions

Undergraduates that attend public colleges and universities constitute a large portion of the total California undergraduate population. In relation to private schools, they are considerably cheaper, with the University of California being the most expensive of the public schools, followed by the California State Universities and the least expensive being the California Community Colleges. However, the question of affordability for undocumented students can be raised here since private universities have the ability to sometimes subsidize the high costs of their tuition.

The following case studies profile one UC and one CSU in the southern California region. Although community colleges are not profiled here, in relation to undocumented students they are very significant. Because of their dramatically lower costs in relation to other institutions, many students attend community college after high school. Most undocumented students are found to attend community college in much higher numbers than in other institutions of higher education. This study will therefore look to institutions that offer the same degree:

¹⁶⁵ Rowley, Dane. 2009. Interview. Los Angeles, CA. 25 February.

bachelors, and also will profile UC and CSU as much more comparable institution to private institutions.

University of California, Los Angeles

The University of California (UC) system enrolls approximately 159,066¹⁶⁶ undergraduate students, which is about 6.6 percent of the total undergraduate population¹⁶⁷ in California. The school with the largest number of enrolled undergraduates is the University of California, Los Angeles (UCLA) with an undergraduate population of 26,928¹⁶⁸. Students apply to these schools in huge numbers for many reasons: prestige, educational opportunities, affordability, etc. Until recently, affordability extended mainly to California residents since out-of-state residents paid significantly higher fees. The passage of AB 540 in 2001 opened the doors for new opportunities for hundreds of undocumented students across the state. This was a great win for undocumented students who have spent significant portions of their lives growing up and attending school in California. However, periodic reports released by the UC Regents show that those significantly benefitting from AB 540 are documented students that may fall into one the following categories:¹⁶⁹

- “Parachute children” – U.S. born offspring of immigrant parents who choose to return to their native country, but left their children in California with relatives because of the better K-12 opportunities.
- Students from other states attending boarding school in California.
- A graduate student who attended high school in California, attended college out-of-state, and returns to California to pursue graduate studies. Domestic graduate students can establish California residency after one year, but during their first year they must pay nonresident tuition; under AB 540, a returning graduate student would be able to avoid nonresident tuition during his/her first year at UC or CSU.

After the implementation of AB 540, the UC regents decided to bring the policy to the UC campuses in the Spring semester immediately following. The first report tracked AB 540

¹⁶⁶ Santa Barbara City College. 2008. “UC & CSU Comparison Chart.” *Transfer Center*. 5 February.

¹⁶⁷ Total number is 2,393,169, which includes both public and private undergrad. U.S. Census Bureau, 2005-2007 American Community Survey.

¹⁶⁸ Based on Fall 2007 data.

¹⁶⁹ University of California Office of the President. 2006. “AB 540 Tuition Exemption Recipients: Academic Year 2002-03.” *UCOP Student Financial Support*. 21 November.

students. The report explains that, “at the time the tuition exemption program was announced, the 2002-03 recipients had all already applied for admission. Thus the availability of the exemptions did not affect their decision to apply to UC.”¹⁷⁰ In other words, to see a significant change in number of applicants, one would have to look at the 2004-2005 academic school year since those entering in the fall of 2003 have already made their decision on whether or not to enroll.¹⁷¹ In addition, at this early stage of implementation, publicity and awareness was not high due to the relatively new nature of the legislation.

The case of these changes, specifically to UCLA, was investigated further in an interview with the Director of Undergraduate Admissions for UCLA, Vu Tran, and Claudia Luther, Public and Media Relations. In the seven years that Director Tran has been at UCLA, he has not seen significant changes in the issue or enrollment of undocumented students. He stresses throughout the interview that in being in compliance with the law and fair to every applicant, issues such as citizenship or residency do not affect the overall quality of admission of the candidate.¹⁷² He also emphasizes that the school does not keep track of students that are undocumented, however the UC Regents reports have been able to obtain significant data such as family income of all AB 540 students and their ethnicity. There is a clear disconnect of information and who is likely to have access to it. Groups affiliated with the UCLA campus that may bear the brunt are the Center for Labor Research and Education and the student support group for AB 540 students, Improving Dreams, Equality, Access and Success (IDEAS).

Since the implementation of the tuition exemption, UC schools have lost \$70 million dollars.¹⁷³ It is important to note here that the reports allude to attempts at advertising the benefits of AB 540 to the university student body, however it is never explained how it is done or how students are identified on applications as potential recipients. This is not to say that schools are withholding public information from students, but points to a greater problem: the lack of dissemination of information in the network from legislation transferred then , to college, to high schools and finally to the students themselves. It is commonplace for many in the know to believe, like Director Tran that many high school counselors are already aware of that AB 540

¹⁷⁰ University of California Office of the President. 2004. “AB 540 Tuition Exemption Recipients: Academic Year 2002-03.” *UCOP Student Financial Support*. 8 August.

¹⁷¹ University of California Office of the President. 2004. “AB 540 Tuition Exemption Recipients: Academic Year 2002-2003.” *UCOP Student Financial Support*. 8 August.

¹⁷² Tran, V T. 2009. Interview. Los Angeles, CA. 24 February.

¹⁷³ Accumulation of Data from University of California Office of the President. 2008. “AB 540 Tuition Exemption Recipients: Academic Year 2006-2007.” *UCOP Student Financial Support*. 5 March.

exists.¹⁷⁴ Byron, an immigrant advocate, acknowledges that many fellow students that were in the beginning stages of Wise Up, the Los Angeles based high school student activist group for AB 540, were misinformed and even told not to take standardized testing because they couldn't go to college; obviously not aware of programs like AB 540. The evidence does not support Tran's assumption and points to a lack of access to pertinent information to all parties involved. Byron, an immigrant advocate, further explains that many high school counselors were "very uninformed" and would tell students that they couldn't go to college.¹⁷⁵ Even for a documented high school student it would be very difficult to be able to see a high school counselor due to the population of students in the Los Angeles Unified School district. This attests to the importance of student groups such as Wise Up and their support from CHIRLA.

UCLA true to its core values, surely to treat every applicant fairly and equally under the law, works with all high school students. As Director Tran states, all students are entitled to attend UCLA. He believes that any fluctuations in the number of applications that the college receives are due to natural responses to change.¹⁷⁶ This ideology can be likened to a type of laissez-faire attitude towards enrollment of students, but at a university of this magnitude that has to be taken into account.

There is increasing interest however noticed by the increasing amounts of detail included in the AB 540 reports published every few years by the UC Regents. In 2002-2003 data, they were reporting on three different ethnic backgrounds: Chicano and Latino, Chinese and European/Middle East ancestry and Korean. The next published report, which covers the 2005-2006 academic year, starts to collect information on parental income, number of AB 540 students by campus and creates seven categories for possible ethnic backgrounds: Latino, Asian, Black/African American, American Indian, White/Caucasian and Other/unknown. The increasing amount of information gathered about a group of students that make-up a very small percentage of the total enrolled population speaks to the increasing importance and awareness of the issue. However, increased attention has also backfired with increased outrage.

Professor Kris Kobach from the University of Missouri-Kansas City is representing a group of students who are suing the state of California over the alleged unconstitutionality of AB

¹⁷⁴ Tran, V T. 2009. Interview. Los Angeles, CA. 24 February.

¹⁷⁵ Byron. 2009. Interview. Los Angeles, CA. 6 February.

¹⁷⁶ Tran, V T. 2009. Interview. Los Angeles, CA. 24 February.

540.¹⁷⁷ They and other advocates against this are citing arguments of unfairness and inequality in giving students that are undocumented benefits that U.S. citizens cannot receive and that it also goes against the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) stating that any benefits that are given to undocumented immigrants must be available to U.S. citizens and nationals under the same criteria. Proponents argue many fronts stating that children should not be punished for the actions of their parents for being brought to the U.S. illegally and also that everyone who lives in the U.S. deserves the same rights on a basic human level.

If AB 540 were to be overturned in California, it would reap heavy consequences that would ripple across the U.S. ultimately affecting the nine other states that offer in-state tuition: Texas, New Mexico, Oklahoma, Washington, Utah, New York, Illinois, Kansas and Nebraska. In the state of California, AB 540 allows students enrolled in the UC system that qualify to pay about \$6,850 and not the extra \$18,684.¹⁷⁸ Defendants of the lawsuit against the state of California argue that the law does not violate federal statute and state that those who benefit from the law, AB 540, are mostly documented students, which is also seen in the UC Regents reports.^{179,180}

The UC system in California is one of the most significant influential bodies in the state. With the number of students enrolled, policies and changes that are enacted within the school system are felt state-wide to a variety of populations. Following the move of state legislature and bound by its public status, the University of California system cannot enact any major changes in terms of undocumented students that would involve federal or state funds. Doing this would be in direct violation of the law and would potentially create an uproar of anti-immigrant activists to roll back any sort or progress that the state as a whole is moving towards. Speaking about the UC system is ultimately speaking to the state of California as a whole and great strides cannot be made without moving one or the other in sync.

¹⁷⁷ Ramirez, Eddy. 2008. "The Crash Course in Citizenship; A New Front Line in the Immigration Debate: Access to Higher Education." *U.S. News & World Report*. Washington: 18 August 18. Vol. 145, Iss. 4; pp. 46.

¹⁷⁸ University of California. 2006. "AB 540 Non resident Tuition Exemption." Counselor Conference.

¹⁷⁹ Gorman, Anna. 2008. "Lawsuit Filed Over Tuition Break Can Proceed; A Group is Challenging In-State Fees for Illegal Immigrant Students" *The Los Angeles Times*. 17 September.

¹⁸⁰ University of California Office of the President. 2006. "AB 540 Tuition Exemption Recipients: Academic Year 2002-03." *UCOP Student Financial Support*. 21 November.

*California State University, Long Beach*¹⁸¹

Elena Macias started her career in the world of higher education in 1978 and for many years since then has been actively involved in issues affecting undocumented students. Her long-time involvement has allowed her to see numerous changes in immigration legislation, both positive and negative, and how that has translated to the college campuses. Macias is now working at the California State University, Long Beach serving as Special Assistant to the President: Government, Legislative and Community Relations; and is the current advisor for the AB 540 student support group on campus, called Future Underrepresented Educated Leaders (F.U.E.L.). She describes her advocacy—for more rights for undocumented students—as a natural part of being an educator. It brought her to the signing of the AB 540 bill in California in October of 2001 with Governor Arnold Schwarzenegger and other special guests, but it took a lot of hard work to get there.

Immigrant awareness and support, Macias explains, started within the institution. Irma Archuleta, one of the earlier advisors to AB 540 students, was one of the founders of the Leticia A. Network, a group started after the historical court case, *Leticia A. v. Board of Regents*, which granted undocumented students the ability to qualify for in-state tuition and to apply for competitive state financial aid. Archuleta was actively involved with the community of underrepresented students as the EOP director from 1971 – 1978. Around this time the university accepted students without any consideration of citizenship status. A lack of awareness or a low number of undocumented students accessing higher education contributed to the lack of importance to the issue at the time. The *Leticia A. v. Board of Regents* court case in California overturned this decision in 1986; however it was quickly overturned again by the Bradford Decision in 1991. The university as a public entity is under legal obligations to follow federal and state laws, so in 2001 with the introduction of AB 540, it permitted undocumented students to establish California Residency for tuition purposes. The first student to apply for AB 540, according to Macias, was Chinese.

Since 2001, no formal records have been kept on how many undocumented students are enrolled at CSULB. As seen in the case of UCLA and their periodical reports on AB 540 recipients, not all of them are undocumented, therefore the reports are not the best tool to be used to measure this number. However, current estimates from the institution show that there are

¹⁸¹ Macias, Elena. 2009. Interview. Long Beach, CA. 6 March.

approximately 200 AB 540 students enrolled in the university.¹⁸² When applying for admission to CSULB, the form does not require a social security number. Once they are accepted, the school issues a nine-digit campus id number which serves as their main identifier throughout the rest of the registration process, further blurring the possibility to identify any student by their status. Upon acceptance, students then may fill out the AB 540 affidavit. All first-year undocumented students applying for admission are held to the same standards as their high school classmates. However, they are not put under the same restrictions as transfer students (mainly GPA requirements).¹⁸³ Elena stresses that residency does not alter their application status. If a student during the course of their education is notified of a change in their status such as permanent residency, conditional permanent residency or is granted refugee, asylum or parolee, they are “eligible to receive financial aid retroactively for an entire year as long as U.S. residency status is established within that aid year.”¹⁸⁴ The cost of tuition and other student expenses at a CSU is comparatively cheaper than a UC. For a commuter student, the cost is approximately \$13,092.¹⁸⁵ Undocumented students can apply for scholarships, but only those that do not have a citizenship requirement. Over the years, much work has been done to improve awareness and resources for undocumented students thanks to a few key people that have left lasting impressions on the university community.

Irma Archuleta and Rosa Hernandez were some of the earlier advisors at the university for undocumented students. When Macias arrived, she picked up where they left off in an informal advising role for individual students. Macias’ latest contribution, with the help of Vivian Barrera, came in the form of the publication of the CSULB AB 540 resource guide. The guide ultimately serves as a reference and resource for advisors, both formal and informal for undocumented students. The language in the publication uses the term “unprotected immigrant”, which is synonymous with the term “undocumented immigrant” used in this document.¹⁸⁶ Although these students do not have much legal protection under the law, they do however have

¹⁸² Macias, Elena. 2007. *Improving Immigrant Student Success*. A CSULB HIS and FCPD Conference. 16 March.

¹⁸³ Regularly, transfer students must come in with a higher GPA. AB540 Resource Guide: For Advisors of Undocumented Immigrant Students. California State University of Long Beach. Feb 2009.

¹⁸⁴ California State University of Long Beach. 2009. AB 540 Resource Guide: For Advisors of Undocumented Immigrant Students. February.

¹⁸⁵ California State University of Long Beach. 2009. Enrollment Services.
<http://www.csulb.edu/depts/enrollment/financial_aid/costs.html>

¹⁸⁶ The term “undocumented immigrant” is the appropriate term used in this paper due to the definition of undocumented. It is also used to move dialogue away from other terms such as “illegal alien” or “unauthorized” to remove popularly stigmatized labels.

access to resources that seem very much at-your-own-risk. The booklet specifically outlines what undocumented students may or may not be eligible for in terms of student services available on CSULB's campus. The guide clearly states that any undocumented student found receiving state or federal aid is immediately eligible for deportation.¹⁸⁷ It is therefore counseled against advisors giving any sort of legal advice to students, rather they should be referred to professional legal assistance. Another important take-away from the AB 540 guide is that undocumented students legally have the right to enroll in college, but must be careful in choosing their major because they may not complete majors that require licensing. (Unless they obtain residency before they graduate.)¹⁸⁸ The last few pages of the guide provides a list of allies: persons knowledgeable and trained in the latest immigration laws concerning students in higher education and organizations that may offer legal advice. Allies in the school are given a decal that they can post visibly in their office as a way of silent communication to students that may not feel comfortable outwardly talking about their status. A student support group run by their peers was also started for this similar purpose.

The CSULB student group F.U.E.L. was founded March 20th, 2007 and is a member of the CA DREAM Network. It came about in 2007 after the conference for faculty and staff: Improve Immigrant Student Success. The work of the student group consists of providing training sessions on AB 540, gaining allies and being a support group for the students on campus. F.U.E.L. also does outreach to local high schools. They have trained themselves and are very active with outreach, especially at their alma maters. They have even co-sponsored an event in 2008 called Immigration Awareness Week on their campus in alliance with the Long Beach Immigrant Rights Coalition. This is part of a tactic that all student groups must do: raise awareness and interest from the student body, faculty and administrators in order to have great impact on campus.

In terms of awareness, the campus is now more open and supportive including the president, provost and staff. Those who are "in the closet" now feel there is a cadre of student and faculty that they can talk to. In a 2005 new student survey for incoming freshmen and transfers, most students "disagree somewhat" with the statement: Undocumented students should be denied access to public education. (See Table 1 & 2)

¹⁸⁷ California State University of Long Beach. 2009. AB 540 Resource Guide: For Advisors of Undocumented Immigrant Students. February.

¹⁸⁸ Ibid.

Table 1. Incoming Freshmen Data 2005¹⁸⁹

Undocumented Immigrants Should be Denied Access to Public Education		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree Strongly	306	13.2	14.1	14.1
	Agree Somewhat	523	22.6	24.1	38.2
	Disagree Somewhat	738	31.8	34	72.1
	Disagree Strongly	606	26.1	27.9	100
	Total	2173	93.7	100	
Missing	System	145	6.3		
Total		2318	100		

Table 1 shows that of the incoming freshmen in 2005, a Total of 2,318 students were administered the survey. Of that total, 145 students did not answer the question labeled as missing. The corresponding percentages in the column to the right of the frequency include this number. The valid percent adjusts the percentages to only factor in from the total of students that actually answered the particular question.

Table 2. Incoming Transfer Data 2005¹⁹⁰

¹⁸⁹ Cooperative Institutional Research Program (CIRP). 2005. *CSULB Student Assessment Findings*.

Undocumented Immigrants Should be Denied Access to Public Education

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Agree Strongly	369	15.3	15.7	15.7
	Agree Somewhat	547	22.7	23.2	38.9
	Disagree Somewhat	763	31.6	32.4	71.3
	Disagree Strongly	676	28	28.7	100
	Total	2355	97.6	100	
Missing System	57	2.4			
Total		2412	100		

Table 2 shows that of the incoming transfers in 2005, 2,412 took the survey with 57 not answering the specific question. The valid percents of both tables do not show any significant difference in the distribution between freshmen and transfer students taking the survey. However, both tables show that there is more distribution towards disagreement with the statement, “Undocumented Immigrants Should be Denied Access to Public Education.” Unfortunately, data is not available for following years to see if the same questions were administered and what changes in opinion could have been seen over the years.

The national survey, of which CSULB is a part of, is administered when students go through Student Orientation, Advising and Registration (SOAR). Elena goes to orientation to train SOAR advisors on undocumented student issues. In the fall of 2006, CSULB had 6.56 percent or 2,333 immigrant students.¹⁹¹ Although this population is small relative to the size of the school, it does not warrant them to be a population that is to be forgotten.

Macias is hopeful that on the national scale, the federal government, especially with Obama as president will provide some positive momentum for change for undocumented students. Hopefully the low hanging fruits will be used to be a part of all the legislation. It is difficult to produce a timeline of when these changes may happen, she is hopeful sometime within the first Obama administration. The economy has increasingly overshadowed what is

¹⁹⁰ Cooperative Institutional Research Program (CIRP). 2005. *CSULB Student Assessment Findings*.

¹⁹¹ Macias, Elena. 2007. *Improving Immigrant Student Success*. A CSULB HIS and FCPD Conference. 16 March.

going on in schools but the fight to keep these students in the spotlight as an important issue that has not waned and is only growing stronger.

“Implications for the future are great as K-12 immigrant children and children of immigrant parents move through the educational pipeline and aspire to baccalaureate and graduate degrees.”

*-Elena Macias, Ph.D.
Mi Casa: Mi Universidad*

CHAPTER 4. ON THE GROUND

On the Ground refers to the movement of immigrant advocates which encompasses individuals, student organizations, the students themselves and non-profit immigrant advocates such as CHIRLA. They are the ones spearheading advocacy for undocumented students. Their views will provide a perspective outside of the bureaucracy of the institutions of higher education; a type of accountability to see if what is happening correlates with changes they perceive to be happening.

Immigrant advocates

*Playing the Field: CHIRLA*¹⁹²

Horacio has been actively involved in youth organizing for about seven to nine years and most recently helped organize the efforts of the student run group Wise Up, the same group that helped pass AB 540 in California. CHIRLA stepped in to help Wise Up because it always wanted to do youth organizing and it saw this as a prime opportunity because as CHIRLA saw it, the issue of undocumented students had to be tackled on a national level and they would help this group get off the ground.

The project became very popular boosting its membership from an initial twenty member to well over a hundred from a group of six high schools that the Wise Up group specifically worked with. Wise up was the final piece to the puzzle to get the momentum started on AB 540, putting a face to the issue. Horacio notes that the organization for their work with the Wise Up students received national recognition and praise and also prompted other local groups to spring up in Idaho, New Mexico, New York and Florida. Taking the first step in California is crucial given the large populations of undocumented students that reside in state.

Some estimates show that there are approximately 43,000 undocumented students in the Los Angeles Unified School District, a significant number of the total student population. Much of the support came from the principals of these high schools in the area, local advocates, Los Angeles Community Colleges and the California Immigrant Welfare association. Across the

¹⁹² Arroyo, Horacio. 2009. Interview. Los Angeles, CA. 22 April.

board, this issue garnered a wide array of support. It is also an important causal factor seeing as how many colleges did outreach to high schools and vice versa. Their work eventually expanded to most of the UC's with groups such as IDEAS, Espiritu, SAGE and RISE, all under different acronyms but united for the same purpose.

Part of the reason for the proliferation of these student activist groups came in response to the implementation of AB 540 in schools of higher education, mainly public schools. Initial responses did not see a lot of resistance from the campus; however, problems arose when the administration did not know how to enroll undocumented students. Horacio explains this as one of the flaws of the bill in that it did not require training and the language was not clear enough for all to understand unless they have been studying immigration law. Horacio notes the most shocking response came from the student body.

Driving about one hour outside of Los Angeles in any direction and Horacio says that there was a lot more student resistance to undocumented students and AB 540. Cal Poly Pomona was one of these schools where whenever the subject was approached; it would often lead to backlash, sometimes in the form of tagging the school with slander towards the undocumented school population. There were even attempts by students to retrieve the names of undocumented students in their school to call INS.

The picture today of undocumented students on campus does not reflect the anti-immigrant sentiment the initially flared in many schools across the state. The calm and sometimes supportive image that we see today is what Horacio attributes to the persistence and hard work put in by these student activist groups in informing the general public on the issues and the realities faced by undocumented students every day. Now, he says, even college republican groups are signing on to support and their message has even reached the message of some chancellors as they sign letters addressing the issue.

Horacio is clear to point out that this is not a neat happy ending as there is still more work to be done. Now, strategies need to be made on whether to keep working at the state level or on the national level and whether to support future legislation such as the federal DREAM Act as a stand alone bill or just one of many components to immigration reform. There is more room for clarity as student re-mobilize to tackle future issues and legislation that may come in to play in the near future. CHIRLA is optimistic for the future and if we continue to work together and in solidarity, we can change the minds of even the most difficult people to move.

*Matías – Underground Undergrads*¹⁹³

Matías is an intern participating in a year long fellowship with the UCLA Center for Labor Research and Education at the Downtown Labor Center. The main objective of the Labor Center is to bridge the gap “between the university and the labor community in Southern California.”¹⁹⁴ The location of the Downtown Labor Center, in the heart of one of the largest immigrant communities in Los Angeles, caters to the population they seek to serve and provide resources for: the labor community which is comprised of a large number of immigrants. For Matías, a recent graduate from UCLA, his primary objective is to educate the public on undocumented students in higher education. Matías has formed a deep connection with the undocumented community at UCLA as an undergraduate and is now working to serve and inform the greater community as an ally. Much of his work also revolves around the publication, *Underground Undergrads*. It is an informal extension of his work during his undergraduate career, as Matías and a colleague were both involved with the AB 540 student support group: Improving Dreams, Equality, Access and Success (IDEAS) and in the publication of the book *Underground Undergrads*.

The book was the product of a two quarter course that was offered at UCLA through the Center for Labor Research and Education called “Immigrant Rights, Labor and Higher Education.” The course came as a response to the heated immigrant debates and actions of 2006 surrounding the May day rallies and the call to stop the harsher enforcement of possible immigration legislation. The course debuted in winter of 2007, team taught by Professor Kent Wong and Janna Shaddock-Hernandez. The course description states:¹⁹⁵

“New immigrant rights movement, with particular attention to labor and higher education. Overview of history of immigrant rights movement and examination of development of coalition efforts between labor movement and immigrant rights movement nationally and locally. Special focus on issue of immigrant students in higher education, challenges facing undocumented immigrant students, and legislative and policy issues that have emerged. Students conduct oral histories, family histories, research on immigration and immigrant rights, write poetry and spoken word about immigrant experience, and work to collectively develop student publication on immigrant students in higher education.”

¹⁹³ Matías and Colleague. 2009. Interview. Los Angeles, CA. 20 February.

¹⁹⁴ Center for Labor Research and Education, UCLA. 2009. 12 April. < <http://www.labor.ucla.edu/>>.

¹⁹⁵ Center for Labor Research and Education, UCLA. 2009. 12 April. < <http://www.labor.ucla.edu/>>.

The passion for the course topic and material demonstrated by both documented and undocumented students in the class led to the student publication, *Underground Undergrads* and sparked more student activities outside of the classroom. Matías is the perfect example of the types of student leaders formed by raising awareness and students taking a hands on approach to the issues they feel deeply about. On a more basic level, he is a fresh college graduate that has close access to the students. He helps to inform those that may not know their options for college and for those already accepted, how to take advantage of laws such as AB 540. He and his co-workers interact with students on a daily basis and Matías is constantly involved as a part of the student activist movement, a product of his years with IDEAS.

IDEAS in 2003 formed from a meeting that various staff members held together with students because they had access and knew how to locate students that would be affected by AB 540 or undocumented student issues. They felt that there wasn't a certain understanding about undocumented students and this student group would provide a forum for these issues and also serve as a peer network support group. Dominguez Hills created the first IDEAS group and now the UCLA group has become one of the forerunners in student activism in publicly advocating for AB 540 and undocumented student rights. They are a member of the California DREAM Network, which involves 25 different campuses and is also a part of the DREAM coalition. Their website serves as a portal to provide access to resources for other student organizations. As a group, they have not received much opposition for the work that they do, the only institutional opposition they received was in implementing AB 540 in 2001 by the UC regents. Some people however, as Matías points out, were definitely opposed and they felt a lot of ignorance and lack of awareness from the general student population. The main response triggered campaigns to raise awareness and help ignite passion within other students on this issue. Partly because of their work and the increasing dialogue on immigration issues around the country, one of Matías' colleagues has cited that there has been increasing support from the faculty since 2001.

Matías continues to profile their accomplishments, including their partnership with the Academic Advancement program, which promotes development, student psychological training and community service for the AB 540 student. IDEAS also did a lot of outreach with high school counselors and held three annual conferences, which provided training on current immigration laws concerning the undocumented student population and tips on how to talk to undocumented students. The conferences received overwhelmingly positive responses and in the

course of speaking publicly about a hotly contested issue in national debates, they have not felt a lot of opposition. However, there does seem to be a disconnect between student work and the admissions process.

At UCLA, like at any other institution of higher education in California, admissions does not consider citizenship status in determining admission eligibility. Any student who is undocumented is only known through word of mouth between a very small group of people that the student may trust. A student account of being admitted to UCLA explains the hardship, “after accepting UCLA’s offer to enroll...they blocked the aid they had offered me after finding out that I was still an undocumented student.”¹⁹⁶ Matías speculates that admissions might know if a student is undocumented if they do not report a country of citizenship. The official UC Regents reports on undocumented students for the 2006-2007 academic year estimates that of all the AB 540 applicants at UCLA, 126 are “potentially undocumented,”¹⁹⁷ trends show that a great number are Asian. Matías and his colleagues note that there has been a change in the campus climate in regards to attitudes about undocumented students, but unfortunately that does not translate to any material benefit for these students.

Under current laws, undocumented students cannot receive any money from the university because the university is publicly funded. In order to pay tuition, students have to find ways to raise money either through fundraisers, living at home or any other creative avenue. Undocumented students are becoming more vocal about their status which is providing a base for a strong defense against court cases, some from out-of-state, that are trying to repeal AB 540 in California. Keeping allies with legal teams such as MALDEF and having more support than opposition makes them cautiously optimistic for the future.

Matías and a peer of his were both undocumented students while they attended UCLA. In describing her experience, his peer describes it as an embarrassing process. She refers to being shuffled around talking to someone at the school that didn’t know about undocumented students or how to handle that type of situation. However, the process was easier at UCLA than at community colleges. Matías was part of the first class that IDEAS recruited to come to UCLA. He explains the process of recruiting underrepresented students includes making presentations

¹⁹⁶ Madera, Gabriela, et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. Los Angeles, CA:UCLA Center for Labor Research and Education.

¹⁹⁷ University of California Office of the President. 2008. “AB 540 Tuition Exemption Recipients: Academic Year 2006-2007.” *UCOP Student Financial Support*. 5 March.

for first-generation students. Part of the presentation by IDEAS includes a small section on undocumented students and their opportunities to go to college. Matías attended a summer program and got a scholarship for the summer immersion experience. During, he was able to stay with his friend. For about 8 months he stayed with people in their dorms. He received a private scholarship and became the advocacy chair/co-chair of IDEAS. It was the only organization that helped with undocumented students on his campus at the time. The power of student activists is on the rise as seen by Matías and his colleagues, and will prove to be a powerful voice in any upcoming immigration legislation.

California State University, Los Angeles - S.U.R.G.E.¹⁹⁸

“I can tell you that these students, the only thing that is keeping them behind is those magic nine digits. And once they’re able to get those magic numbers, the sky will be the limit.”

*-Jorge
President, S.U.R.G.E.*

Although Jorge is no longer an undergraduate student at the California State University, Los Angeles (CSULA), he is currently the president of the student run organization Students United to Reach Goals in Education (S.U.R.G.E.). This student group is the main entity that has acted as a support group for AB 540 students on CSULA’s campus. In its three years of existence, its membership has grown five times and has seen positive changes in the students actively participating and whose members reap the benefits both on and off campus. CSULA provides a unique landscape for this group of students to work in, one that is supportive and caters to their cause.

With a campus size of 16,046 undergraduates, CSULA is one of the most diverse universities in the state of California.¹⁹⁹ Their college portrait showcases and highlights the effects of having a campus in the heart of Los Angeles; a highly populated immigrant area. Jorge explains that because undocumented students go to school with many of their peers, they don’t feel afraid to walk around campus and talk about their status; there is a lot of support for them on campus.²⁰⁰ Much of this may have to do with the founding of S.U.R.G.E..

¹⁹⁸ Jorge. 2009. Interview. 5 March.

¹⁹⁹ California State University, Los Angeles. 2007. “College Portrait of Undergraduate Education.”

²⁰⁰ Jorge. 2009. Interview. 5 March.

S.U.R.G.E., the student run AB 540 advocacy group, was started in 2006 in response to a need for a support network for these students; Jorge had just transferred from community college.²⁰¹ S.U.R.G.E. with the support of their first advisor who had a great relationship with the Educational Opportunity Director (EOP)²⁰² and the President of the University helped point the students to the right resources and make sure that they had a sound place in the school. The group started out small, meeting on Tuesdays with a regular membership of 5-6 students at the local coffee shop. They immediately got to work to spread the word and two years later have a steady group of approximately thirty students that come to the meetings every Thursday. Since their start, they have received positive support from the school, with just a few isolated cases of dissenting opinion within the administration and faculty. Much of the support from individuals is done passively by attending sessions hosted by S.U.R.G.E. or participating in fundraisers to replenish their scholarships.²⁰³ Sitting in at the S.U.R.G.E. meeting offered insight into how the organization was run: efficiently and effectively. Everyone at one point in the meeting voiced their opinion regarding one topic or another. There was a majority Latino population present and the amount of Spanish was intermixed randomly with English in the dialogue.

The student group is modeled after many other organizations that have come before them such as I.D.E.A.S. at Dominguez Hills and at UCLA. Over 14 student groups have started on different campuses all across California.²⁰⁴ S.U.R.G.E. is a member of the California DREAM Network, an organization started through CHIRLA's sub-organization Wise Up. It is meant to connect all groups into one network so information could easily be shared. Jorge explains that the group is not currently active with outside affiliates because he would like to focus this year to build unity and solidarity within the group at CSULA in order to present a strong front in support for outside organizations.²⁰⁵

Much of the work that is done in the group comes through the student themselves, although they do have advisors/allies within the school. One of the things they focus on is raising awareness and this is done through the various trainings they do to educate students and administrators/faculty about AB 540 and other pertinent immigration legislation. An

²⁰¹ Ibid.

²⁰² EOP is program available at all of the CSU schools which aims to increase access, academic success and retention of underserved populations. <<http://www.calstatela.edu/eop>>.

²⁰³ Jorge. 2009. Interview. 5 March.

²⁰⁴ Improving Dreams, Equality, Access and Success. 2009. <<http://www.ideasla.org>>

²⁰⁵ Jorge. 2009. Interview. 5 March.

organization that they frequently partner with is Cash for College when they visit local LAUSD high schools. Jorge notes that they are limited to areas that they can reach via public transportation due to the fact that these students are not able to obtain a driver's license in the state of California. The students each take a role in a certain committee that focuses on different vital aspects of the group such as fundraising, academic training, AB 540 training etc...²⁰⁶

The Outreach and Recruitment Office also targets many of undocumented students. Jorge says that they take the time to introduce those students to college; one of the group's unofficial advisors also works for this office.²⁰⁷ Although it is important to have an advisor to support student groups in their efforts, many times this involves bureaucracy, and for many of these student groups like S.U.R.G.E., an advisor is often just a formality. Many published guides that have been made for college and high school counselors, including any person that may provide guidance for an undocumented student throughout their education, stresses the importance of not giving an undocumented student any legal advice. Rather, these acting bodies are informed and given resources to become aware of current laws and legal organizations such as MALDEF that may be better equipped to handle a complex situation with undocumented students.²⁰⁸ In effect, this makes the group very independent and diminishes their reliance on any outside help with the exception of other immigrant advocacy groups.

After an undocumented student has been informed of their options to go to college, whether public, private or community college, the next likely confusing step is the actual application process. In the state of California, educational institutions are not allowed to use immigration status as a valid criterion for admissions. The 2009-2010 application for admission to CSULA (Appendix C) lists a social security number as the second item to be filled out. Three pages of racial and ethnic identity then follow, as well as establishing status with options such as: U.S. Citizen, Refugee/Asylum, F Visa (student), J Visa, None of the above, Immigrant I-551 ("green card") and Other Visa.²⁰⁹ The next section covers two and a half pages on the racial and ethnic identity of the applicant. Jorge remembers back to when he applied for admission to CSULA and notes that the citizenship category offered few options as he checked the "other" box as a part of a system that he attributes to making it easier to identify undocumented

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ California State University of Long Beach. 2009. *AB 540 Resource Guide: For Advisors of Undocumented Immigrant Students*. February.

²⁰⁹ California State University, Los Angeles. 2009-2010. Application for Undergraduate Admission.

students.²¹⁰ Despite any confusion in the application process, Jorge has seen a rise in the number of applications and people going to college. Visibility of this change in the number of students that attend their information sessions with cash for college and their independent AB 540 training sessions.²¹¹

With all of the pieces in place for a successful and effective student group, S.U.R.G.E. is a reminder of the student activism that has historically helped involve college age students in issues that may be of concern to them. However, Jorge recognizes that it will take years of struggle and pushing forward to get to where they want to be, getting those magic nine digits. “We are the elite of the undocumented students,”²¹² he continues to say, his statement supported by the fact that in 2004, 17 valedictorians were undocumented students.²¹³ Their work does not go unrecognized as they are the students leading the movement for their future.

“I’ll tell you something. From the group here you saw, I’m the oldest. Everybody in the group is at least three years younger than me. And those students are 22 year olds, some 18 and some freshmen are 17 and they are leading their communities and leading these committees. They do have the potential. The student that was sitting right here, she’s a sophomore and is a part of 6-7 organizations. I honestly don’t see how she has the time to do it all and she doesn’t drive. All she uses is public transportation. All that she needs is her cell phone and her tap pass for the bus and her laptop and with those three things, she makes miracles. Not only her, but like many other students.”

*- Jorge Alvarez
President, S.U.R.G.E.*

From Nursing to Biology: An Undocumented Student’s Story²¹⁴

This is a short profile of an undocumented student at a large public university. Although he is undocumented, he perseveres and is trying to find the closest route to what he wants to do. A pseudonym is used to protect the identity of the student.

Hernan is a nineteen year old AB 540 student in his second year at a large public university. He is originally from Colima, Mexico but strongly identifies as a native Angeleno because he spent the majority of his life in the states. For Hernan, there is no dichotomy

²¹⁰ Jorge. 2009. Interview. 5 March.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Gonzales, Roberto G. and Kim-Oanh Nguyen-Lam. *Educating Immigrant Students: Challenges and Opportunities for a Better Future.*

²¹⁴ Anonymous Undocumented Student. Interview. Los Angeles, CA.

regarding where he feels at home as he explains, “being here in the U.S. I really feel like a part of it. I used to volunteer for a Hospital and really felt like I was doing my part in becoming part of this community.”

In high school, he was fortunate enough to have a counselor who knew about AB 540 students and understood the implications of the process. She was able to help him through the whole admissions process. A support group did not exist in high school as “AB 540 was not really in the minds of a lot of students and counselors. Most teachers did not know what AB 540 meant.” Nor did he know about organization such as MALDEF and SALEF. It wasn’t until college and his involvement in the local student run AB 540 group did he learn about these types of organizations.

Everyday in high school during the nutrition break, Hernan continued work on his college applications with help from the Career Center. He felt very stressed with the process, especially when he came to the social security number section. Because of such obstacles, it was difficult to have a smooth process, which made it very stressful for him. Coupled with the fact that he did not qualify for the Board of Governors fee waiver every application fee came out of pocket, Hernan paid \$150 for three applications. He notes much of his frustration came from a friend who was a citizen and applying for many schools and not paying a dime. His jealousy came from the fact that he had worked harder than she had and was graduating with a higher GPA; it was not fair. Hernan chose to apply to schools where he knew he was qualified to get in with his grades, and also UCLA and UC MERCED where he wanted to see if he could be admitted, but knew he wouldn’t attend because he couldn’t afford it. Hernan recognized the lack of his ability to comfortably finance his education, but continued to aim high because he did not want to settle for community college, even though they were financially more manageable.

In order to pay for his education, he relies on his parents to pay for his tuition. He is wrought with guilt because he wishes to be an independent person and wants to be able to work to pay for his own education rather than relying on his parents. He can’t even drive because he fears the police, “I would rather drive with a license more secure then drive at all.” Hernan recently had to switch from a degree in nursing to biology because he cannot go through with the licensing requirements. However, he has not let any of the obstacles thrown at him to bar him from what he desires: an education.

In his involvement with the campus AB 540 student group, Hernan confirmed his desire to help others. He explains that he enjoys doing outreach to other students that are in similar situations like himself and also doing practical things like helping others with their homework. He and his AB 540 peers go to local high schools and educate the students and faculty on opportunities to go to college for undocumented students. He is also planning to go back to the hospital he used to volunteer at, a path that will help him get his Nursing degree as soon as he gains residency or is naturalized.

Hernan has big dreams for the future. At the moment he has two options: to gain residency through his sister when she turns 18 or getting legislation like the DREAM Act passed. Until then, Hernan will continue his studies and continue his student activism.

“Well for once I would like to see undocumented students, not being undocumented. Especially us since we are studying to build a better U.S. and give back to the community with our own skills and knowledge. I would like to see for those who are undocumented students, succeed and become something in life. To show that even without documents they can still graduate with a successful career.”

“I hope that this year The Dream Act will pass and give us at least residency so that more doors can open and show our skills to the community.”

-Hernan, CSULA Student

A Case of Circumstance: A Student's Story²¹⁵

This is a short profile of a student who was once undocumented in college and then received residency during. She is an example of the amazing potential of these students.

Roxana is a senior Spanish major and double minor in Latin American studies and education, on the teaching credential program, at Occidental College. When Roxana came to Occidental, she entered as an undocumented student and as a recipient of one of the two scholarships issued by the college that covered her full demonstrated need. Originally from Guadalajara, Mexico, she arrived to the U.S. in 1996 and grew up in the local community of Glendale, California. In high school, she was fortunate to know about her undocumented status and what it would mean for her future aspirations.

“I was really aware of how hard it was going to be, so I made it a point to almost prepare myself from the beginning and work extra hard so that I would stand out.” Roxana continues to

²¹⁵ Castro, Roxana. 2009. Interview. Los Angeles, CA. 10 February.

explain that many other students did not know of their status or did not tell anyone and that this was often times, the make you or break you component of the senior year experience in high school. Roxana in this aspect was very fortunate and aware of her situation, which prompted her to start looking at every possible resource. "I lived in the career center," she explains as she continued in her efforts to ask questions from her professors and her counselors.

However, Roxana talks about her situation with mixed feelings, "It's really hard for me to talk about being in college and even serving as a role model because I feel a lot of the things that happened to me and the way that I got to college was all so very circumstantial. If certain things had not lined up or if certain people had not been there for me...it would have been just impossible." What Roxana is referring to is the fact that her both her counselor and one of her teachers were Occidental Alumni; both wrote letters of recommendation for various colleges. Roxana also widened her network of resources through the Advancement Via Individual Determination (AVID) program, a college preparatory program. From there, she talked to people to see who she could be directed to for help.

Throughout the process, her mentors mainly geared her towards private institutions because they were more flexible with their funds and in providing scholarships. Occidental became a perfect fit for her after reading a news article where Ted Mitchell, former president of Occidental college, talked about his and the college's views on undocumented students and how he wished that the school could do more to support these students. Roxana was admitted to Occidental in the Fall of 2005, however, on December 5, 2005, she gained her residency, which had been pending for a while. This put Roxana in a precarious situation: once she gained residency her she was no longer eligible for her financial aid package. At the same time she was also not a resident of California by law (a year and a day), in order to qualify to state financial aid. Luckily Occidental helped her pick up the pieces in the form of loans and private scholarships and national government aid.

Although Roxana met the other student recipient in her year, in such a small school she explains, there is no support group for these students. The way she was identified through the school is through the international student events, which she checked on her application. Roxana cites her frustration with the lack of knowledge to deal with her situation, She points to the example of studying abroad and often having to go a third route due to her status. However, now

she feels she has more direction and motivation where before, earning her teaching credential would not land her a job alone.

Roxana is honest and open when talking about her situation and applying for college. What she offers to other undocumented students is her experience and knowledge of the same process that she went through. Although she doesn't think she is a role model, Roxana is exemplary of the kind of work that undocumented students are doing and the opportunities that await with residency.

Chapter 5.

FINDINGS

Over the past few years, the immigration debate has taken great strides forwards, but has been put at an indefinite standstill, along with many other programs in light of the recent economic crisis. However, prior to this, with the introduction of the DREAM Act as proposed legislation and the implementation of AB 540 for in-state tuition in California and nine other states, a movement has started with undocumented students that has spread to the general public in response it has elicited some reaction from local schools. Through interviews with admissions and financial aid officers, high school counselors, student advocacy groups and immigrant advocates, the following outline in detail the main findings: proliferation of student advocacy groups, engagement of faculty/school publications of AB 540 guides and implementation of scholarships for undocumented students.

1) Proliferation of Student Advocacy Groups

“Most campus activism, however, is fragmented and issue specific,” explains Professor Peter Dreier in his article about the misconstrued apathy of student activism.²¹⁶ In the book, *Cold Anger*, the author attributes the success of Ernesto Cortes and how he was able to politically motivate people on issues on the basis of tapping into their fundamental core values of humanity and rights.²¹⁷ Both scenarios of political organizing mentioned above have been the basis of creating of student advocacy groups all across the state and all over the nation. Over twenty-five school based organizations have been created in California as support groups for undocumented students.²¹⁸ There are two stages to this type of work: getting students into college and retention once they get there.

²¹⁶ Dreier, Peter. 1999. "The Myth of Student Apathy," *The Nation*. 13 April.

²¹⁷ Rogers, Mary Beth. 1990. *Cold Anger*. University of North Texas Press.

²¹⁸ California DREAM Network. 12 Apr 2009. Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA). < <http://cadreamnetwork.org/home.html>>.

Knowing Your Options

❖ Wise Up

Wise Up has been one of the key organizations, started by students and supported by the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), has rallied and organized high school students in the Greater Los Angeles area. Their mission is to:²¹⁹

“empower immigrant youth and their allies to create a social change within their communities and transform the unjust social conditions that affects all the immigrants in this country. Through organizing and leadership development we strengthen the voice of immigrant youth in the Los Angeles area.”

First and foremost, Wise Up provided training sessions and educated students on their status and what it means in terms of going to college. Their first campaign also marked their first victory with the passage of California AB 540, the in-state tuition legislation for undocumented students. Wise Up identifies and fosters future leaders. One example is Byron, an immigrant advocate, who has moved on to other advocacy work by using the skills and experiences he learned from his time working with Wise Up. After years of working with solely high schools students, Wise Up expanded their outreach to include college campus organizations through the creation of the California DREAM Network, in order to disseminate information amongst members efficiently and effectively. This started after students became more aware of AB 540 and through their work as a support group for undocumented students. Most recently they have also done campaign work for the federal DREAM Act.

❖ IDEAS/S.U.R.G.E.

Most student support groups in California started on college campuses after the implementation of AB 540 in 2001. These student-run organizations have been responsible for providing training sessions to students and faculty regarding immigration law in high school and college, and also fundraising for small scholarships for their members along with advocating for legislation to help legalize the status of their members and their peers. S.U.R.G.E. has created a committee that oversees the presentations and they aim to do at least one per week. They have

²¹⁹ Wise Up. 12 Apr 2009. Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA). <
<http://cadreamnetwork.org/wiseup.html>>.

also teamed up with Cash for College in order to give a small presentation on the eligibility requirements of AB 540 and what scholarships students should be looking out for. (Specifically ones that do not have a citizenship requirement.) S.U.R.G.E. also has a scholarship committee that is in charge of creating the application process and selecting the winners within the organization that would receive a small supplemental financial aid.

IDEAS at UCLA has taken impressive strides with their collaboration of a student publication, *Underground Undergrads*, that came about as a result of a class offered at UCLA on immigrant issues. This has helped raise awareness about the issue in conjunction with the work that they do off campus by participating in rallies and protests. Organizations such as IDEAS at UCLA and S.U.R.G.E. at CSULA are entirely student run with hardly any faculty involvement except in cases for bureaucratic needs. These student groups have had great impacts on their respective campuses and have cultivated future leaders that will advocate for their issues. In the case of Matías and his colleague, Matías is a recent undergrad at UCLA, and is now educating the public about undocumented students in higher education as a part of the UCLA Center for Labor Research and Education.

Student groups are also gaining more institutional support. As seen by CSULB's initiative with the Mi Casa; Mi Universidad (My Home; My University) program which was created to put a spotlight on immigration issues that need attention. They also have a student-run support group, F.U.E.L. on campus that is also doing a lot of advocacy and support work with the help of Elena Macias, a long time ally and employee in the higher education system. More and more advisors are coming from the EOP program, which has historically served underrepresented populations and now has taken undocumented students under their umbrella of services as unofficial mentors and supporters. Although much of this does not translate to official institutional help in the form of monetary funds or access to services which would otherwise be unavailable to undocumented students (i.e. Student Support Services (SSSP) or College Assistance Migrant Program (CAMP)),²²⁰ there is indication of unofficial student support and advisors for these students as potential allies.

²²⁰ Macias, Elena. 2007. *Improving Immigrant Student Success*. A CSULB HIS and FCPD Conference. 16 March.

2) Engagement of Faculty/ School publications of AB 540 guides

When researching for case studies, AB 540 guides and other similar publications appeared repeatedly in articles and scholarly journals. Although many of the guides are institution specific, such as the *CSULB AB 540 Research Guide*, there is always a section or more devoted to legislative background and a list of legal organizations that are available to help undocumented students. The two main guides used to enrich this research came from large public institutions: UCLA and CSULB. Both of these schools have student support groups established on their campus, however they also have faculty members that supported these projects and carried a lot of weight to get these works published. The book, *Underground Undergrads*, is a widely disseminated informative guide, thanks to the work of the UCLA Labor Center and advocates such as Matías and his colleague that also includes personal stories of students and their struggle to achieve higher education. The books are sold for \$10 and can be used academically or recreationally. Whatever the intention, the book serves its purpose to inform the public in a reader friendly format that garners reader interest through the telling of the personal lives of undocumented students.

Other schools, such as Occidental and Cal Lu, with smaller populations and no undocumented student support groups on campus have taken another track in gaining a strong ally for immigrant rights in their faculty. Maureen McRae of Occidental College, has worked with the college for eleven and a half years. In her time at Occidental, every year she has handled the two annual scholarships for undocumented students, a policy previously in place from the John Slaughter administration in the 1990's. Her encounters with these students year after year has ignited a passion that is driven by her support of the basic human right to education. Her dedication has prompted her to become well versed in the current issues and immigration legislation that affect undocumented students. McRae also gives presentations which explain what types of aid undocumented students can receive and how to handle special circumstances, such as when parents are undocumented but the student is a U.S. citizen.

Dane Rowley has also been impacted through his encounters with undocumented students, prompted by the implementation of an international scholarship at Cal Lu five years ago.²²¹ Rowley firmly believes that undocumented students, each in their unique situations and strong character, have a positive influence on those around them and ultimately the campus

²²¹ Rowley, Dane. 2009. Interview. Los Angeles, CA. 25 February.

climate. He is now an ally in the immigrant community, educating himself and working closely with students on campus to help them achieve their goals. The biggest help Cal Lu can provide is financially.

3) Implementation of scholarships for undocumented students

Although public schools have no way of providing scholarships, private schools through their own volition have created scholarships dedicated for undocumented students. Other schools that have similar awards are Loyola Marymount University and Whittier College.²²²

❖ Occidental College

Since the Slaughter administration in the 1990's, a scholarship has been in place for two undocumented students to receive (at Occidental College) every year. The scholarship is focused on covering the full demonstrated need of the student. Occidental supplements private institutional funds with loans through the college that need to be paid back by the recipient. Theoretically, after four years there are eight undocumented students on campus, however if a student is able to pay for tuition, the school may have a couple more, but like any school, citizenship is not taken into account for admissions eligibility requirements.

❖ California Lutheran University

With the introduction of a new director of admissions and a goal to provide more outreach to international students, Cal Lu took it a step further and added a scholarship that would financially assist six to seven undocumented students every year. An undocumented student interested in applying for the grant money has to fill out an in-house financial aid form and an AB 540 affidavit. Rowley acknowledges that even though there is no difference for residents in terms of tuition, he explains that the school would still like the students to meet the same requirements as those applying for the AB 540 exemption at public schools. The scholarships amount to approximately \$7,000 each, with \$8,000 occasionally awarded to outstanding students. The implementation of this scholarship came well after the implementation of AB 540 and when talks of the DREAM Act were still recurring in Congress. Although the scholarship amount does not cover full tuition or full demonstrated need of students, the

²²² McRae, Maureen and Bill Tingley. 2009. Interview. Los Angeles, CA. 10 February.

university has taken another crucial step forward in becoming one of the leading schools for immigration reform for undocumented students by providing their own aid without being prompted.

CHAPTER 6.

POLICY RECOMMENDATIONS

The following policy recommendations are in response to the case studies presented I try to provide a comprehensive model and method to provide greater access to undocumented students for higher education. Beginning on a state level and expanding to a national model I look to allow states to lead the way to subsequently prompt greater action on the national level. Such an approach may take a few years to implement; however small victories can keep the movement alive without generating overwhelming opposition. Much of the following details will be California specific, due to the nature of this study, but can have implications on a national scale due to the fact that changes in California can make big waves in the rest of the nation.

1. States

- ❖ Writing in specific language in the education code that extends the right to higher education to undocumented students.

Although the court case *Plyler v. Doe (1982)* established the rights for undocumented students to access free public education, it only applied to K-12 schools. Recently state school education systems have used this “loophole” to deny enrollment of undocumented students. For example, the community college system in North Carolina recently ordered its campuses to deny enrollment to undocumented students, prompted by the state attorney general saying that, “admitting them may violate federal law.”²²³ States, in this case, need to add specific language to their educational code that explicitly allows/does not bar undocumented students from accessing higher education. It would include community colleges, public institutions and private institutions.

Proponents for this type of move can argue that adding in specific language to the educational code does not change how many of the schools operate since many do not take citizenship into consideration for eligibility for admission. North Carolina is the first state to implement a ban and passing such a law would stop any trickle down effects it may have on other states that have already been prompted to deny undocumented students in-state tuition because ten states had already granted these right to set-up residence for in-state tuition purposes.

²²³ Marklein, Mary Beth. 2008. “Immigrants face tuition ‘threat’; Some colleges barred to undocumented students”. *USA Today*. 7 July.

The ten states that offer in-state tuition can be the examples of how colleges and universities allow students to access higher education, with no harm done.

2. California

❖ The California DREAM Act

This act, authored by California Senator Gil Cedillo in 2005, would be the cornerstone to providing broader access to higher education for undocumented students in California and eventually the nation. The provisions of this bill include offering qualified AB 540 students the chance to compete for state financial aid. Because it would apply to AB 540 students, California would not see an immediate increase in the number of students applying to go to college because of the three year residency requirements outlined in AB 540. Rather, the California DREAM Act would provide extended relief to students already in the college system and high school students that meet the AB 540 requirements. With this legislation in place, it would improve the outlook for many students and the possibility of attending college.

It would apply to both public and private institutions. As McRae states, at Occidental, the average student brings in about \$18,000 of financial aid with them from, state and federal.²²⁴ It would in turn relieve much of the financial burden from private schools and open up the possibility of offering more scholarships to students since they would provide less per student, which is made up for with state grants and aid. The argument that undocumented students are taking money from documented students or taking their spots in school is not valid. It is affirmed in the publication, *Underground Undergrads*, where one student shares his experience of getting accepted into UCLA and receiving a financial aid package, but being denied because of his status.²²⁵ Schools in California do not take into consideration citizenship status in determining eligibility and students are thus processed as regular students until it is confirmed that they are undocumented. Schools vigorously check this to make sure that undocumented students are not receiving state or federal funds under the current laws because current state and federal statute prohibit this. In implementing this law, California would be the jumping point to pass the legislation on a national level.

²²⁴ McRae, Maureen and Bill Tingley. 2009. Interview. Los Angeles, CA. 10 February.

²²⁵ Madera, Gabriela et al. 2008. *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*. UCLA Center for Labor Research and Education. November.

3. National

❖ The Federal DREAM Act: Providing a path to citizenship.

The idea of the DREAM Act as potential legislation was first introduced in 2001 and over the years has gone through many revisions, where recently it finally came up for a vote in Senate, but failed to gain 2/3 majority for cloture to prevent a filibuster. The California DREAM Act would serve as a springboard for the passage of this legislation as momentum in other parts of the country would slowly build. It may take a few years, especially since it has been tacked onto comprehensive immigration reform bills many times. However, passage as a stand alone bill, which has garnered bi-partisan support, would provide a path to citizenship for the “elite of the undocumented students.”²²⁶

The DREAM Act would provide conditional residency through two main avenues: 1) enrollment in a 2 or four year college, or 2) completion of two years of service in the armed forces. Satisfaction of either one of the requirements would grant conditional residency, upon which other standards must be met in order to gain regular residency. Passage of the DREAM Act would also allow for the licensing of undocumented students to study to become doctors or nurses. In the case of Hernan, he would be able to pursue a nursing career. It would also address a gaping hole in the current system: what to do after college, undocumented and with a degree? Students that go on to graduate from college still undocumented have no legal means to obtain a job and this would fix that gap, allowing students to work and support themselves and their families. Undocumented students deserve this opportunity after college for residency because in relation to the U.S. population, going to college and graduating includes them in the elite part of society. The only thing different is that they don't have those nine magic digits.

²²⁶ Jorge. 2009. Interview. 5 March.

CONCLUSION

The growing movement of undocumented student advocates, which happens to be themselves as well, is hopeful for positive changes in light of recent immigration legislation changes and social attitudes towards immigration. I am hopeful along with them. The movement towards breaking down barriers for undocumented students and eventually providing residency is still in debate and although much is being done on the ground, there is still room for more push to be done for congress to not forget about this issue in light of the recent economy. Although this paper takes a specific look at the current trends and attitudes towards undocumented students in California, it is important to note that this is a nationwide struggle and in order for change to happen, it needs to happen together.

What this paper has done is to show the positive changes that are happening in immigrant communities and on the campuses of institutions of higher education. There is more freedom for students to advocate on immigration issues, a usually charged subject matter. I also hope to have shown the fundamental basis for providing rights and benefits to all persons, which is already written into the 14th amendment of the United States Constitution. The future of the U.S. is dependent on immigration and the untapped skilled labor force within this population as we have inextricably intertwined our fate with theirs. While the recommendations in the paper offer one path that may be taken, it is by no means exhaustive of the possibilities of a brighter future for these hopeful students. The possibilities are endless, but the urgency is to act now, and if you feel that you are unaffected by immigrants, take another look; we are a nation of immigrants. There is no right answer to find the best solutions for immigration reform and much like any other process it will take trial and error. As complicated and complex that these issues are, we must not forget the face that we may or may not know. In actually thinking about this, we may have interacted with many undocumented persons and not even know it. It is vital to be aware of this population that is constantly living in the shadows of the day and to realize that we can do more than we think we can with the power of our vote, a voice that we can give to those that may not have one.

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APPENDICES

Appendix A.1

Occidental College Application for Undergraduate Admissions

Appendix A.2

Occidental College First-Year Students of Color 1992-2007

Appendix A.3

Occidental College Class Size Demographics: Past 15 Years

Appendix B.1

California Lutheran University In-House Financial Aid Form

Appendix B.2

California Lutheran University Demographic Information

Appendix C

California State University, Los Angeles Application for Admission

Appendix A.1 Occidental College Application for Undergraduate Admissions

Occidental College Application for First-Year Admission



APPLICATION TYPE Early Decision (due November 15) Regular Decision (due January 10)

Please be sure to submit the non-refundable \$60 application fee payable to Occidental College or an appropriate fee waiver with this form.

Please check if you are an international student

PERSONAL DATA

Male
 Female

Legal name: _____
Last/First Middle (complete) Jr., etc.

1ST LETTER OF LAST NAME
Prefer to be called: _____ Former last names(s) if any: _____ Birthdate: _____

Permanent address: _____
Number/Street/Apartment

City or Town State Country Zip code or Postal code

Permanent Home Telephone: _____ Cell Phone: _____

E-mail: _____
(BE ADVISED: we rely on email to communicate with you regarding the status of your application. Please check the above email address regularly.)

Mailing address (if different from above): _____
Number/Street/Apartment

City or Town State Country Zip code or Postal code Use until: _____ Date

Telephone at mailing address: _____

Citizenship: U.S. Only/U.S. Dual (specify additional country): _____

U.S. Permanent Resident (attach a copy of both sides of your alien registration card) Alien registration number: _____

Countries other than U.S.: _____

If living in U.S., type of visa: _____ Years in U.S.: _____

Possible academic interest(s): _____ or undecided

If there are any Occidental alumni or staff in your family, please list name, relationship, and graduation year/department (attach sheet if additional space needed):

Name Relationship Graduation Year/Department

Will you be a candidate for financial aid? Yes No If yes, the appropriate forms were/will be filed on: _____ PROFILE BA/PA

The following items are optional: Social Security number: _____

Place of birth: _____ City State Country Marital status: _____

First language, if other than English: _____ Language(s) spoken at home: _____

If you wish to be identified with a particular ethnic group or groups, please check all that apply:

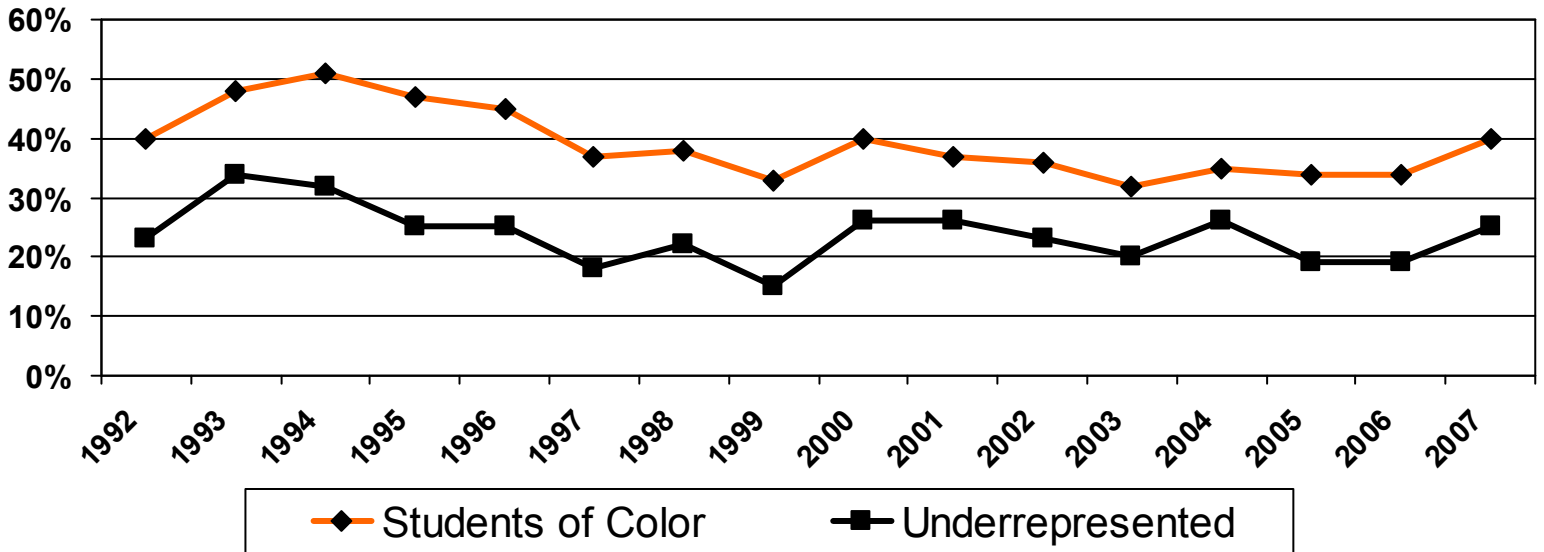
<input type="checkbox"/> African American, African, Black	<input type="checkbox"/> Mexican American, Chicano
<input type="checkbox"/> Native American, Alaskan Native (tribal affiliation _____ enrolled _____)	<input type="checkbox"/> Native Hawaiian, Pacific Islander
<input type="checkbox"/> Asian American (country of family's origin _____)	<input type="checkbox"/> Puerto Rican
<input type="checkbox"/> Asian, including from Indian Subcontinent (country _____)	<input type="checkbox"/> White or Caucasian
<input type="checkbox"/> Hispanic, Latino (country _____)	<input type="checkbox"/> Other (specify _____)
<input type="checkbox"/> Multiracial (specify _____)	

Appendix A.2
First-Year Students of Color 1992-2007

First-Year Students of Color 1992-2007

- 1993 to 1996: Highest percent SOC, averaging 48%. During this period, first-year class enrollments fell significantly short of goals.

1997 to 2007: Percent SOC has averaged 36%. During this period, first-year class enrollments have met or exceeded goals.



Appendix B.1
California Lutheran University In-House Financial Aid Form



California Lutheran University
Non-U.S. Citizen/Non-Permanent Resident
2009 – 2010 Application for Financial Aid

Please return this form to the CLU Financial Aid Office

Instructions

The purpose of this application is to determine the financial need of a student who may otherwise be ineligible for other forms of local, state, or federal need-based assistance. In order to apply, student must meet the following criteria:

1. Graduation from a High School in the United States
2. Not eligible to apply for federal or state need-based financial assistance
3. The student must have filed for legal residency, or will sign an affidavit stating that the student will apply for legal residency as soon as they are eligible to do so

Section A: Student Information

This section asks for information about the student who is applying for aid

Section B: Parent/Family Information

Parental information must be provided unless the student is over 24 years of age or married.

*Question 19: Complete all parts of the question. Include family members counted in questions 14 & 18

Section C: Financial Information

*Question 20: Please record the amount of 2008 income before taxes or expenses from each of the sources listed

Section D: Asset Information

This information applies to the student and student's parents. If the student is married or is independent, the student and spouse's information is required

*Question 22: Please provide the value of assets as of the date you complete the application.

*Question 26: Documentation must be provided to verify income and asset information

Section E: Expenses

Question 27: Please provide specific amounts for annual expenses. If you do not know specific amounts please estimate

Section F: Expected Financial Support for Educational Costs

Question 28: This is intended to estimate how much of your income/assets and parent's income/assets will be used to provide financial support for the student's education

Section A: Student Information

Miss, Ms., Mrs.
 Mr.

1. Name: _____
Last / Family / Surname *First / Given* *Middle*

2. Address: _____

3. E-mail address: _____

4. Mailing Address: _____
 (if different from above)

5. Date of Birth: _____
 Mo. Day Year

6. Place of Birth (country): _____

7. Country(ies) of citizenship: _____

8. Naturalization:

a. Have you begun the naturalization process? Yes No

b. If not, when will you begin the process? _____

9. When do you expect to begin studying at CLU? _____
 Mo. Year

10. Will you be: New student? Transfer student? Returning student?

11. If a transfer student, were you granted AB540 status at your previous institution? Yes No

12. List the other colleges and universities to which you are applying:

a.	d.
b.	e.
c.	f.

13. Your marital status: Not married Married

14. How many people are financially dependent on you? _____

Section B: Parent Information

15. What is your parents' current marital status (check only 1 box)?

- Married Separated/Divorced Mother living/Father deceased
 Father living/Mother deceased Other (explain): _____

16. Father's name: _____

a. Address: _____

b. Occupation/Title: _____

c. Employer: _____

d. Age: _____

e. Number of years with employer: _____

17. Mother's Name: _____

a. Address: _____

b. Occupation/Title: _____

c. Employer: _____

d. Age: _____

e. Number of years with employer: _____

18. How many people, including yourself, depend on your parents for daily living expenses? _____

19. **Family Member Listing.** Provide information for ALL family members you included in question 14 or 18.
(do not include information about yourself)

Full name of family member	Age	Educational Information 2008-2009							Educational Information 2009-2010		
		Relationship to you	Name of school or college	Year in school or college	Tuition & Fees	Room & Board	Scholarships & gift aid	Amount of parents' contribution	College or School	Total cost	Amount of parents' contribution

Section C: Financial Information

20. During 2008, how much of your household income (before taxes and expenses) came from the following sources?

- a. Father's work: \$ _____ g. Pension/annuity/retirement: \$ _____
 b. Mother's work: \$ _____ h. Other members of the household: \$ _____
 c. Your work: \$ _____ i. Interest or dividends: \$ _____
 d. Your spouse's work: \$ _____ j. Housing/food/other living allowances: \$ _____
 e. Family business: \$ _____ k. Other (explain): \$ _____
 f. Family real estate holdings: \$ _____

21. Will there be a significant increase or decrease in your family's income next year? Yes No

If yes, explain: _____

Section D: Asset Information

22. Please list the value of the following family assets (if applicable):

- a. Land and buildings (other than home): \$ _____ d. Money owed to family: \$ _____
 b. Savings: \$ _____ e. Repayment (of d) expected: \$ _____
 c. Investments (such as stocks and bonds): \$ _____ f. Other (jewelry, artwork, antiques): \$ _____

23. How much money does your family owe to other people or financial institutions? \$ _____
 Reason for debt: _____

24. Does your family employ other people? Yes No
 If yes, how many in the home? _____ In the family business? _____

25. Do you or your family have money/property/assets in another country? Yes No
 (If yes, complete the grid below. Also include the amounts in 22 above)

	Value (in U.S. Dollars)	In which country(ies)?
Money		
Property		
Assets		

26. Documentation must be provided to verify income and asset information requested on this form. Please check the type of documentation you will be sending.*

- Tax forms Statement from employer Other (specify—for example, bank statement) _____

We will not accept the application without sufficient supplementary documentation

Section E: Expenses

27. How much did your family spend on the following expenses during 2008? SPECIFIC AMOUNTS ARE NEEDED.

- Rent or mortgage: \$ _____ Savings/retirement: \$ _____
 Utilities: \$ _____ Automobile maintenance: \$ _____
 Food: \$ _____ Insurance (health/property): \$ _____
 Clothing: \$ _____ Entertainment: \$ _____
 Household necessities: \$ _____ Vacations: \$ _____
 Medical expenses: \$ _____ Household employees: \$ _____
 Educational expenses: \$ _____ Other: \$ _____
 Loan Payments: \$ _____ Please explain: _____
 Taxes: \$ _____

Section F: Expected Financial Support for Educational Costs

28. Enter the expected amount of annual support toward your educational costs from the sources listed below:

Sources	2009-2010	2010-2011	2011-2012	2012-2013
Student's vacation earnings	\$ _____	\$ _____	\$ _____	\$ _____
Student's assets	\$ _____	\$ _____	\$ _____	\$ _____
Family income	\$ _____	\$ _____	\$ _____	\$ _____
Family's assets	\$ _____	\$ _____	\$ _____	\$ _____
Relatives and friends	\$ _____	\$ _____	\$ _____	\$ _____
Government (if applicable)	\$ _____	\$ _____	\$ _____	\$ _____
Agencies and/or foundations	\$ _____	\$ _____	\$ _____	\$ _____
Private sponsor (explain)	\$ _____	\$ _____	\$ _____	\$ _____
Other (explain in Section G)	\$ _____	\$ _____	\$ _____	\$ _____

29. List agencies/foundations/government to which you are applying or will apply for financial aid:

Agency/Foundation/Government	Application Date	Award Notification Date	Expected Amount in U.S. \$
			\$
			\$
			\$
			\$

Section G: Explanation / Special Circumstances

Please use the following space to provide explanations for any unusual expenses, other debts, or special circumstances that CLU should consider when it is deciding how much assistance, if any, you may be offered. Use additional sheets if necessary.

Section H: Authorization and Certification

We certify that the information provided on this form is true, correct and complete as of the date signed. We hereby declare that, if the student is without lawful immigration status, they will have filed an application to legalize immigration status or will file an application as soon as eligible to do so. California Lutheran University has permission to verify the reported information through the obtaining of additional documentation if needed. The information provided on this form will be used exclusively by California Lutheran University and will not be disclosed.

STUDENT'S SIGNATURE _____ DATE _____

SPOUSE'S SIGNATURE _____ DATE _____

FATHER'S SIGNATURE _____ DATE _____

MOTHER'S SIGNATURE _____ DATE _____

Appendix B.2

California Lutheran University Demographic Information

Table 1: 2003 – 2008 Fall Incoming Freshman Class Diversity

	Fall 2003 (Before Irvine Grant)	Fall 2004	Fall 2005	Fall 2006	Fall 2007	Fall 2008
Hispanic, Chicano/a, Latino/a	9.0	15.0	17.0	12.0	14.3	12.0
African American	2.0	4.0	3.0	3.4	2.2	3.0
American Indian/Alaskan	1.0	2.0	1.0	0.4	0.6	2.0
Asian/Pacific Islander	6.0	6.0	6.0	5.0	5.8	7.0
Multiracial	4.0	5.0	4.0	8.6	5.6	4.0
Total Underrepresented	22.0	32.0	31.0	29.4	28.5	28.0

Table 2: 2003 – 2008 Total Undergraduate Diversity

	Fall 2003 (Before Irvine Grant)	Fall 2004	Fall 2005	Fall 2006	Fall 2007	Fall 2008
Hispanic, Chicano/a, Latino/a	12.3	14.9	15.7	13.5	14.7	13.2
African American	4.9	2.3	2.4	2.8	3.0	2.6
American Indian/Alaskan	1.1	1.5	1.3	1.0	0.9	1.0
Asian/Pacific Islander	4.5	4.8	4.7	5.7	5.2	4.7
Multiracial	3.7	4.4	3.9	5.3	5.6	5.1
Total Underrepresented	23.4	27.9	28.0	28.3	29.4	26.6

Appendix B.2 Continued.**2008-2009 Application Data**

Total Undergrad Enrollment	1882
Applications (for the freshman class)	2803
Admitted Students (for freshman class)	1817
Enrolled Students (for the freshman class)	507

2007-2008 Application Data

Total Undergrad Enrollment	1795
----------------------------	------

2 Your Name: _____ **Application for Undergraduate Admission**

12. What is your degree objective? Enter code in box: 0 – None 2 – BA 3 – BS 4 – Other bachelor's (BM, BFA, etc.) 9 – Other (specify)
- 13a. Do you wish to apply or reapply through the Educational Opportunity Program? (Please read page 5 of the booklet before answering yes.) Yes No
 If you answered yes to question 13a, please answer items 13b, 13c, and 13d:
- 13b. 2008 estimated family income and size: Family Income \$ Family Size Of the total number of family members, how many are dependent children?
- 13c. Do you live with: One Parent Both Parents Legal Guardian Independently
- 13d. If you are currently enrolled in any EOP or EOP&S program, list campus:

EOP CSU EOP&S Community College

14. Teacher or other credential program. Enter appropriate code in box:
 N – Not interested in a credential program X – Planning to apply to a credential program at a later time
 V – Applicant already holds a California Education credential and is seeking another credential
 Y – Planning to apply to a credential program for this term
 Credential Objective Name _____ Credential Code (see majors chart)

15. Permanent Residence. If you live in California, list county of residence.
 If you live outside of California, list other U.S. state or country.

16. Country of Citizenship (all must answer).

17a. Enter your citizenship code in box (all must answer).
 Y – U.S. Citizen R – Refugee/Asylum F – F Visa (student) J – J Visa N – None of the above
 I – Immigrant I-551 ("green card") Date Issued: (You must provide the date issued and be prepared to submit verification.)
Month Day Year

0 – Other Visa (specify) Date issued:
Month Day Year

17b. If you were born outside the U.S., what year did you or will you move to the U.S.?
Year

18. Enter your ethnic/racial identity. To conform with the new guidelines of the Federal Office of Management and Budget, the California State University must collect from applicants detailed information about their ethnic and racial backgrounds.

(If you select "Yes" in Question 18a, a response to Question 18b is required. Please do not select more than one response in Question 18b as only ONE response is allowed. After completing Question 18b, please answer Questions 18c and 18d. If you have selected "No" or "Decline to State," do not answer Question 18b.)

18a. In regard to your ethnicity, do you consider yourself Hispanic or Latino? Yes No Decline to State If "No" or "Decline to State," please go to Question 18c.

18b. If you indicated (above) that you consider yourself Hispanic or Latino, please select the ONE category below that best describes your background.

- | | |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Argentinean | <input type="checkbox"/> Paraguayan |
| <input type="checkbox"/> Bolivian | <input type="checkbox"/> Peruvian |
| <input type="checkbox"/> Chilean | <input type="checkbox"/> Puerto Rican |
| <input type="checkbox"/> Colombian | <input type="checkbox"/> Salvadorian |
| <input type="checkbox"/> Costa Rican | <input type="checkbox"/> Spaniard |
| <input type="checkbox"/> Cuban | <input type="checkbox"/> Uruguayan |
| <input type="checkbox"/> Dominican (Republic) | <input type="checkbox"/> Venezuelan |
| <input type="checkbox"/> Ecuadorian | <input type="checkbox"/> Other Central American |
| <input type="checkbox"/> Guatemalan | <input type="checkbox"/> Other South American |
| <input type="checkbox"/> Honduran | <input type="checkbox"/> Other Hispanic or Latino _____ |
| <input type="checkbox"/> Mexican | <small>Please specify</small> |
| <input type="checkbox"/> Nicaraguan | |
| <input type="checkbox"/> Panamanian | |

■ 3 Your Name: _____ **Application for Undergraduate Admission** ■

18c. **What is your race?** (Mark one or as many races below as appropriate for you.)

(All undergraduate applicants must respond to Question 18c. If you select "Decline to State," then you cannot choose any other boxes.) The U.S. Census identifies the following races: White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Pacific Islander. These racial categories, as well as many sub-categories, are listed below. You may mark as many races as are appropriate to you. Please mark only one sub-category for each race that you select.

WHITE: (*)

- European
 Middle Easterner
 North African
 Other White _____

Please specify

BLACK or AFRICAN AMERICAN: (*)

- African American
 Black
 Haitian
 Other African/Black _____

Please specify

AMERICAN INDIAN or ALASKA NATIVE: (*)

- Achomawi/Achumawi
 Cahito (e.g., Cahito Indian Tribe of the Laytonville)
 Cahuilla (e.g., Agua Caliente Band of Cahuilla Indians)
 Chemehuevi (e.g., Chemehuevi Indian Tribe of the Chemehuevi Reservation, California)
 Chumash (e.g., Santa Ynez Band of Chumash Mission)
 Costanoan/Ohlone
 Cupeno (e.g., Los Coyotes Band of Cahuilla & Cupeno)
 Gabrielino/Tongva
 Hupa/Hoopa (e.g., Hoopa Valley Tribe, California)
 Karuk (e.g., Karuk Tribe of California)
 Kumeyaay (e.g., Ewilaapaayp Band of Kumeyaay)
 Luiseno (e.g., La Jolla Band of Luiseno Mission)
 Maidu (e.g., Enterprise Rancheria of Maidu Indians)
 Miwok (e.g., Ione Band of Miwok Indians)
 Mojave (e.g., Fort Mojave Indian Tribe of Arizona)
 Ohlone
 Paiute (e.g., Fort Independence Indian Community of Paiute Indians of the Fort)
 Pomo (e.g., Coyote Valley Band of Pomo Indians)
 Quechan (e.g., Quechan Tribe of the Fort Yuma Indians)
 Serrano (e.g., San Manuel Band of Serrano Mission)
 Shoshone (e.g., Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony)
 Tolowa
 Wappo
 Washoe
 Western Mono (e.g., Big Sandy Rancheria of Mono Indians)
 Wintun (e.g., Cachil DeHe Band of Wintun Indians of the Colusa Indian Community)
 Wiyot (e.g., Wiyot Tribe, California/formerly the Table Bluff Reservation - Wiyot Tribe)
 Yokuts
 Yuki
 Yurok (e.g., Yurok Tribe of the Yurok Reservation)
 Latin American Indian
 Other American Indian Tribes _____
Please specify
- Other Alaska Native Tribes _____
Please specify

*(Please select the ONE sub-category that best describes your background.)

Continued on next page

4 Your Name: _____ **Application for Undergraduate Admission**

ASIAN: (*)

- | | | |
|-----------------------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> Asian Indian | <input type="checkbox"/> Indo Chinese | <input type="checkbox"/> Nepalese |
| <input type="checkbox"/> Bangladeshi | <input type="checkbox"/> Indonesian | <input type="checkbox"/> Okinawan |
| <input type="checkbox"/> Bhutanese | <input type="checkbox"/> Iwo Jiman | <input type="checkbox"/> Pakistani |
| <input type="checkbox"/> Burmese | <input type="checkbox"/> Japanese | <input type="checkbox"/> Singaporean |
| <input type="checkbox"/> Cambodian | <input type="checkbox"/> Korean | <input type="checkbox"/> Sri Lankan |
| <input type="checkbox"/> Chinese (except Taiwanese) | <input type="checkbox"/> Laotian | <input type="checkbox"/> Taiwanese |
| <input type="checkbox"/> Filipino | <input type="checkbox"/> Malaysian | <input type="checkbox"/> Thai |
| <input type="checkbox"/> Hmong | <input type="checkbox"/> Maldivian | <input type="checkbox"/> Vietnamese |
| <input type="checkbox"/> Other Asian _____ | | |

Please specify

NATIVE HAWAIIAN or OTHER PACIFIC ISLANDER: (*)

- | | |
|------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Carolinian | <input type="checkbox"/> Saipanese |
| <input type="checkbox"/> Chuukese | <input type="checkbox"/> Samoan |
| <input type="checkbox"/> Fijian | <input type="checkbox"/> Solomon Islander |
| <input type="checkbox"/> Guamanian or Chomorro | <input type="checkbox"/> Tahitian |
| <input type="checkbox"/> I-Kiribati | <input type="checkbox"/> Tokelauan |
| <input type="checkbox"/> Kosraean | <input type="checkbox"/> Tongan |
| <input type="checkbox"/> Mariana Islander | <input type="checkbox"/> Yapese |
| <input type="checkbox"/> Marshallese | <input type="checkbox"/> Other Melanesian |
| <input type="checkbox"/> Native Hawaiian | <input type="checkbox"/> Other Micronesian |
| <input type="checkbox"/> Ni-Vanuatu | <input type="checkbox"/> Other Polynesian |
| <input type="checkbox"/> Palauan | <input type="checkbox"/> Other Pacific Islander _____ |
| <input type="checkbox"/> Papua New Guinean | |
| <input type="checkbox"/> Pohnpeian | |

Please specify

DECLINE TO STATE

*(Please select the ONE sub-category that best describes your background.)

18d. If the California State University is asked to report only ONE summary race/ethnicity description for you, please choose the ONE category below that you want us to report.

(All undergraduate applicants must respond to Question 18d. Please check only ONE box.)

- | | |
|-----------------------------------------------------------|--------------------------------------------------------------------|
| <input type="checkbox"/> American Indian or Alaska Native | <input type="checkbox"/> Native Hawaiian or Other Pacific Islander |
| <input type="checkbox"/> Asian | <input type="checkbox"/> White |
| <input type="checkbox"/> Black or African American | <input type="checkbox"/> Two or more races/ethnicities |
| <input type="checkbox"/> Hispanic or Latino | <input type="checkbox"/> Decline to State |

19. If you have ever been on active duty in the U.S. military services, enter a Y in box. Attach or send a copy of DD214 or DD205 for evaluation of academic credit to the admission office of each campus to which you are applying for admission.

19a. Are you a dependent of a U.S. active-duty servicemember? If so, enter Y.

20. High school attended _____

City and State _____ City _____ State _____

Graduation Date GED Date Check here if you will neither graduate from high school nor receive a GED.